

**UNITED STATES COURTS OF APPEALS
FOR THE SECOND CIRCUIT**

James Lawrence

v.

Altice USA

Case # 20-393

**On Appeal from the United States District Court
for the District of Connecticut**

Brief of Appellant James Lawrence

**James Lawrence Pro Se
1655 Post Road East Unit 804
Westport Ct. 06880
203 233-4335**

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- 3 Basic Questions
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NOTE: I sometimes use colored writing to make locating, discerning, and reading easier.

Red – refers to defamation of “Stalking Several Women” and related terms to stalking or harassment.

Orange – refers to language within Arrest Warrant/Official Police Press Release.

Yellow – will symbolize an Infraction.

Blue - will symbolize any past police incident report that was fully investigated resulting in no probable cause for any arrest and “cases” that are known by reporter to be closed with statute of limitations in effect.

Green – refers to relative Exhibits and previous ECF documents.

* NOTE: FOR THE PURPOSES OF THIS APPEAL BRIEF

∞ - *Judge Stefan Underhill and Defendant Altice USA/News 12* -
will always be portrayed in *Italics* writing

∞ - Plaintiff James Lawrence –
will always be portrayed in Regular writing

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LIST OF JUDGE UNDERHILL'S QUESTIONABLE QUOTES I WILL OFTEN BE REFERRING TO IN BRIEF.

- "mind of the average viewer"
 - "popular acceptance"
 - "remainder of report mitigates the problem"/"dulls the impact"
 - "The headlines (*Police: Westport Man Charged for Stalking Several Women*) are not defamatory because the average person would not have been affected differently if the headlines read, for instance, "Police: Westport man charged with breach of peace for following woman. Thus, the headlines are substantially true."
 - "resolve all ambiguities"
- ≈ 4 Examples Judge Underhill Being Wrong on Some Basic Facts of Arrest Warrant/Case -
Necessary Clarifications: Due to Word Limit See Exhibit AA

SOME OF WHAT I PREVIOUSLY ARGUED IN RESPONSE TO THE "substantially true" ARGUMENT WITH ENHANCEMENTS

- Stalking as Course of Conduct
- Arrest Warrant Wording for the Arrest
"follow her inside the store and follow her out to her car"
- The Wording "follow" in the Arrest Warrant and Official Police Press Release See Exhibit A
English Dictionary: Follow -
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"following them out to their cars and stare or get right into their personal space" see Exhibit X
English Dictionary: Stare – 2: to show oneself conspicuously
- Connecticut Law Third Degree Stalking
- English Dictionary: Stalk - to pursue quarry or prey stealthily (a term for preying, hunting, attacking, killing) See Exhibits K-V
English Dictionary: Quarry - See Exhibits K-V
English Dictionary: Prey - See Exhibits K-V
- Webster's Dictionary: Stealth – (term for stealing, a type of secretive behavior – to attack)
See Exhibits K-V
- Oxford Dictionary: Stalking, Game, Stealth See Exhibit R

DIFFERENT WORDING IN VARIOUS CT. STATUTES

- Connecticut Law Second Degree Breach of Peace –
(6) creates a public and hazardous or physically offensive condition
- Connecticut Law Creating a Public Disturbance: Infraction (§§non-criminal§§) \$90 Fine
- Connecticut Law Criminal Violation of a Protection Order having the wording Harass

COMPLETE BLACKS LAW DICTIONARY, BOUVIER LAW DICTIONARY, AND MULTIPLE DICTIONARY DEFINITIONS OF STALKING See Exhibits K-V

- Complete Black's Law Definitions of **Stalking, Stealth, Surreptitious, Harass** See Exhibit K
- Wolters Kluwer Bouvier Law Dictionary Definition of **Stalking, Harassment** See Exhibit L
- The Law Dictionary Definition of **Stalking** Law.com Definition of **Harassment** See Exhibit M
- Webster's Dictionary for **Stalking, Stalking Horse, Stealth, Harass Quarry, Prey**, See Exhibit N
- Collins Dictionary Definition of **Stalking, Stealth, Stalking Horse, Harass** See Exhibit O
- Cambridge Dictionary Definition of **Stalking, Stealth** See Exhibit P
- American Heritage Dictionary Definition of **Stalking, Prey, Stalking Horse, Stealth, Covert, Harass** See Exhibit Q
- Oxford Dictionary Definition of **Stalking, Game, Stealth, Harass** See Exhibit R
- MacMillan Dictionary Definition of **Stalking, Stealth, Harass** See Exhibit S
- Longman Dictionary Definition of **Stalking, Stealth, Harass** See Exhibit T
- YourDictionary.com **Stalking, Stalking Horse, Stealth, Harass, Prey** See Exhibit U
- TheFreeDictionary.com **Stalking, Prey, Quarry, Stalking Horse, Stealth, Covert, Harass** See Exhibit V
- Major Stalking Prevention Organization's Definitions of **Stalking** See Exhibit W
- U.S. Department of Justice and National Institute of Justice Definitions of **Stalking**

SOME MORE OF MY ARGUMENTS THAT JUDGE UNDERHILL QUESTIONABLY DOES NOT ADDRESS IN HIS DECISION

SEE ECF 20, 26, 29, 36 (Amended Complaint), 48-49, 53, 59

≈ Arguments of Mine that Judge Underhill Questionably Avoided

- The more benign Arrest Warrant wording of *"get right into personal space"* See Exhibit X
- Evidence of Altice/News 12 Interpreting Only a Mere 1/3 of Arrest Warrant ECF 26
- Comparing the wording from a long list of everyday Stalking Arrests with One Count or even multiple count Second Degree Breach of Peace Arrests ECF 20 Supplement
- Federalcharges.com Definition of **Stalking** ECF 20
- The need for Sociologists, Psychologists and Linguistic Experts with as many Scientific Studies, Polls, and Surveys to get the *"popular acceptance"* of **Stalking** ECF 20
- Cultural Definitions and Depictions of **Stalking** in art and literature and movies ECF 20
- Psychology Today Definitions of **Stalking** ECF 20
- Reporting Analogy: Accusations at Joe Biden *"getting into personal space"* ECF 29 and search engine's undeniable evidence of the connotations *"getting into personal space"*

MORE SUBSTANTIAL ARGUMENTS

- Failures of Barnett v. Denver Publishing Co. Argument, where both words **Stalking and Harassing** involve repeated and persistent acts
(* Due To Word Limit To Be Presented In Reply Brief *)
- Westport Police Department's FOIA Officer's Redaction Policies See Exhibit E
Official Press Release about the Arrest See Exhibit A
- 99.99% of Google Searches for **Stalking Definition** aka *"popular acceptance"* See Exhibit H
- Quotes from Wikipedia's Description of **Stalking** aka *"popular acceptance"* See Exhibit I
- Encyclopaedia Britannica Description of History of **Stalking Laws** aka *"popular acceptance"* See Exhibit I

- International/Multiple Cultural Definitions and Agreement on the Definition of the Word **Stalker** aka “*popular acceptance*” See **Exhibit J**

INQUIRY INTO HOW ALTICE/NEWS 12 “dulled the impact” ECF 66 Page 20

(* Due To Word Length All Here To Be Presented In Reply Brief *)

- The “*average reader/viewer*” Distinguishing Between Being “Charged” and “Convicted”, and in regard to “Other Cases” the “*average reader/viewer*” Discerning Between Ongoing Cases and Closed Cases as Introductory Evidence of NOT “*dulling the impact*”
- Detailed Analysis of the Evidence News 12 DID NOT “*dull the impact*”
- Evidence of Altice/News 12 Interpreting Only a Mere 1/3 of Arrest Warrant ECF 26
- The quote “*preying on women*” as Evidence of NOT “*dulling the impact*” ECF 66 Page 10

CONTRADICTIONS FROM JUDGE UNDERHILL’S MAY 9, 2019 HEARING THAT DENIED ALTICE USA MOTION TO DISMISS – EXHIBIT Y

- Judge Underhill May 9, 2019 – “*stalking has a very pejorative connotation.*” See **Exhibit Y**

Δ - CONCLUSIONS

EXHIBITS:

A – Official Police Press Release and Arrest Warrant for March 5, 2018 arrest that News 12 reporter Mark Sudol referred to holding in his hand during the defamatory reporting.

B - News 12 Broadcasts – Slander

See submitted Disks marked **Exhibit B**, ECF 48-49

C - News 12 Articles – Libel with notes showing no “*dulling of Impact*”

D - Police Dispatch Tapes of now proven-non-criminal arresting incident

See/Listen submitted USBs - **Exhibit D**, also ECF 59

E - Emails from lead Westport Police FOIA Officer Showing Police Redaction Policies, their Official Press Release of the first Arrest, and how News 12 and Westport News slanderous cohort Wendy Higgins Chambers has no individual police incident report after she visited them.

F –Florida Criminal History Check Showing - NO Criminal Record, FBI Criminal History Check Showing - ONLY Conviction 1996 California Domestic Violence, and Connecticut Criminal History Check showing - NO Criminal Record with the only pending case being the second false arrest for alleged Email harassment standing at a Nolle Prosequi destined to be completely dismissed.

G – Clean copies of Exhibit F showing my Florida, FBI - California, and Connecticut Records.

H - Google Searches of “**Definitions of Stalking**” showing “*popular acceptance*”

I - Wikipedia/Encyclopedia Defining of **Stalking** showing “*popular acceptance*”
Encyclopedia Britannica Defining **Stalking** showing “*popular acceptance*”

J - Multilingual/Inter-cultural/International Definitions of **Stalker** shows “*popular acceptance*”

K - Complete Black’s Law Dictionary Definition of **Stalking, Stealth, Surreptitious, Harassment**

L - Wolters Kluwer Bouvier Law Dictionary Definition of **Stalking, Harassment**

M - The Law Dictionary Definition of **Stalking** and Law.com Definition of **Harassment**

N – Websters Dictionary Definition of **Stalking, Stalking Horse, Harass, Stealth, Quarry, Prey**

O - Collins Dictionary Definition of **Stalking, Stalking Horse, Stealth, Harassment**

P - Cambridge Dictionary Definition of **Stalking, Stealth**

Q - American Heritage Dictionary Definition of **Stalking, Prey, Stalking Horse, Stealth, Covert**

R – Oxford Dictionary Definition of **Stalking, Stealth, Game, Harass**

S – Macmillan Dictionary Definition of **Stalking, Stealth, Harass**

T – Longman Dictionary Definition of **Stalking, Stealth, Harass**

U - YourDictionary.com Definition of **Stalking, Stealth, Stalking Horse, Harass, Prey**

V – TheFreeDictionary.com **Stalking, Prey, Quarry, Stalking Horse, Stealth, Covert, Harass**

W - Major Stalking Prevention Organization's Definitions of **Stalking** - The Stalking Prevention, Awareness, and Resource Center (SPARC), National Violence Against Women Prevention Research Center, Office of Women's Health, Rape, Abuse & Incest National Network (RAINN), Safehorizon, The Advocates for Human Rights, ETC...

X – American Psychological Association, Websters Dictionary, and Collins Dictionary definitions of the idiom/phrase *“getting into personal space”* and Internet Search Results of the phrase *“getting into personal space”* aka Arrest Warrant language and how these Dictionaries and Internet search results/articles/resources NEVER deploy the **stalking, stealth, preying, or harassment language** while discussing the issue of *“getting into personal space”*.

Y – Document showing clear examples from the May 9, 2019 Motion to Dismiss Hearing where Judge Underhill Denied Altice USA Motion to Dismiss of how Judge Underhill contradicted himself when delivering his Jan. 9 2020 Summary Judgment and Accompanying **ECF 66**.

Z – Full Transcript of Judge Underhill's May 9, 2019 Motion to Dismiss Hearing where he Denied Altice USA Motion to Dismiss. This is the longest Exhibit and **exits merely as a reference point for Exhibit Y**.

AA – 4 Examples Judge Underhill Being Wrong on Some Basic Facts of Case: Necessary Clarifications In Order to Proceed. Also a very telling Exhibit from the unrelated Feb. 6, 2019 second false Arrest Warrant for alleged Email Harassment of how the Westport Police depict my past Arrest Record after the March 5, 2018 arrest and after the News 12 slander and libel that poisoned the world at large, an Exhibit that once again shows the Westport Police want nothing to do with depicting me as a **stalker**. **This 6 page Exhibit is the longest /most words of all necessary Exhibits.**

NOTE: The Exhibits are mostly printouts from actual on-line dictionary sources and though initially appearing to be multiple pages are in all reality less than a page of reading because you are reading mere underlined words of very large print. Meaning - pages of each Exhibit reads in under a few minutes some less than 3 minutes and are no more than a few sentences. I recommend reviewing Exhibits before reading Brief.

TABLE OF AUTHORITIES:

ECF 66 Summary Judgment by Judge Stefan Underhill from the Connecticut District Court was NOT based not any solid statutes or case precedents. Jan. 9, 2020 Summary Judgment of Lawrence v. Altice was based on an interpretation of dictionary definitions of everyday words, which in this case are the dictionary definitions of **stalk/stalking/stalker** and related words within the definitions of the word **stalk/stalking/stalker**, like Judge Underhill referring to the word **stealth** but never actually defining the word **stealth** via Black's Law Dictionary nor any other dictionary to complete the basis of his Summary Judgment argument – **Stalking** NOT being a **Course of Conduct behavior** within the everyday dictionary. This is a new case of its type and there will be a number issues with Judge Underhill's Summary Judgment that will be questioned, reviewed, and contested. This case in essence is a case about proper interpretations of language let alone proper common sense considerations of **stalking laws**. This is also a case about a socially scientific proof of the "*mind of the average viewer*" and "*popular acceptance*" of the word **stalk/stalking/stalker** and **preying**. Once again, Judge Underhill's decision is first and foremost based on a false and under-developed interpretation of language and law.

After establishing a proper understanding of the definitions of these words **stalk/stalking/stalker**, **stealth**, **surreptitious**, and **prey** and other related words within the Brief, what will then logically result is a proper analysis as to whether and how News 12 "*mitigated the problem*" and "*dulled the impact*" of its "*outright false*" news coverage. This analysis of clear undeniable evidence of how News 12 **did not** "*mitigate the problem*" and "*dull the impact*" will be (due to word limits) completely presented in Reply Brief. Once again, this is a unique case devoid of any case precedents so I will not waste the court's time alluding to cases thrown at me to refute or establish my right to present arguments about how reporters may legally deploy "*outright false*" language when reporting on someone arrested (with no prior criminal Ct. history) for **one count of Second Degree Breach of Peace**, nor report on any past fully investigated alleged "case" known by News 12 to be closed for years that never resulted in any arrest for anything.

STATEMENT OF SUBJECT MATTER AND APPELATE JURISDICTION:

A: Not needed

B: Not needed

C: The relevant filing dates establishing the timeliness of the Appeal was within the 30 days limit after Jan. 9, 2020 Summary Judgment – **ECF 66**. I filed the Appeal on Jan. 29, 2020.

D: This Appeal is a result of the Jan. 9, 2020 – **ECF 66** Summary Judgment by Stefan Underhill from the Connecticut District Court.

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW:

AT ISSUE:

ARGUMENT OF NEWS 12 REPORTING

“Arrested for Stalking Several Women” and
“Preying on Women” as NOT being *“substantially true”*.

English: Substantially – 1: to a great or significant extent

2: for the most part; essentially

Essence - 1a: the permanent as contrasted with the accidental element of being

b: the individual, real, or ultimate nature of a thing especially as opposed to its existence

c: the properties or attributes by means of which something can be placed in its proper class or identified as being what it is

2: the most significant element, quality, or aspect of a thing or person

3: one that possesses or exhibits a quality in abundance as if in concentrated form

“Truth is stranger than fiction, but it is because Fiction is obliged to stick to possibilities; Truth isn't.” — Mark Twain

1 - How can a major media news organization report of someone being ***“Arrested for Stalking Several Women”*** and ***“preying on women”*** when in all fact this person (Pro Se James Lawrence) with no criminal history (in reference to the subject matter) was arrested for a **single count of Second Degree Breach of Peace** involving one woman?

2 - How can a major media news organization's report of ***“Arrested for Stalking Several Women”*** and ***“preying on women”*** be *“outright false”* aka not true, but be spun *“substantially true”* without any evidence of **stalking** (allegedly at local markets wired inside and out with cameras yet not one video submitted as evidence), let alone reported on as ***“preying on women”*** without any evidence of police themselves saying/writing that someone was **stalking** and **preying** or **harassing**, without any evidence in the form of arrests, or arrests with convictions, or actual written words deploying the **stalking language** within the Arrest Warrant at issue to which was dubiously read by News 12 reporter?

3 - With *substantially* defined as - *for the most part, essentially, to a great or significant extent* – How can someone be reported upon as ***“Arrested for Stalking Several Women”*** and ***“preying on women”*** with overwhelming Damages, when this person did not ever legally **stalk** or **prey on** any woman, and the remaining questions being of whether this person might have **stalked** or **preyed** in some lesser way but can never ever be answered (unproven and un-provable material) given there was already thorough investigations of the alleged police incidents and all these investigations resulted in no criminal accusations aka no arrests and any attempt to continue any long gone unproved and un-provable “case” (meant to be redacted from public consumption) would be against the law of the statute of limitations, let alone the fact that no complainant ever came forward to have a long gone “case” re-investigated or coming forward with new evidence with willingness to give a sworn written statement on this new evidence?

What I am introducing is just the beginning. These just 3 basic common sense questions will always be alive if Judge Stefan Underhill's Decision stands. **Future Reply Brief pages will show more questions and issues to aid decision** that cannot in any way bring a court to be so rash as to think they have all the facts and to be able to *“resolve all the ambiguities”* related to the *“substantially true”* argument with what has so mysteriously happened to me James Lawrence free of any convictable evidence and convictions let alone prior arrests in general.

Is it right for me to NOW TO BE FOREVER PORTRAYED AS A **“STALKER”** devoid of any arrest or conviction and without any evidence in the form of **stalking language** within the **one count of Second Degree Breach of Peace** arrest warrant let alone any past incident report devoid of arrest, let alone arrests devoid of convictions? This utterly insane loose and conflating of terms dangerously belittles actual proven **stalking** and can not only cause more people to be unjustly accused of **stalking**, but would decrease the necessary severity of actual proven **stalking** like **criminal stalking** thereby giving these **convicted stalkers** freedoms and empowerment to rationalize their **proven stalking behavior** that is contrary to what the **stalking laws** since the 1990s intended. This is very dangerous to say the least.

13 OF 30 INTRODUCTORY ISSUES/QUESTIONS

Issue/Question #1:

The issue is can a reporter who gets his hands on an Arrest Warrant (an issue in itself with my case given police “matters of practice to redact the unproven, un-provable, conviction-free arrests and arrest-free “cases”/Incident Reports mentioned in the Arrest Warrant”) for the **arrest of a single count of Second Degree Breach of Peace** all before Due Process of Law and after Due Process of Law (already investigated “cases”), do a subjective interpretation of long gone unproven and un-provable Incident Reports that were thoroughly investigated and never deemed criminal aka resulting in no arrests/charges (to which the reporter himself knows from the same Arrest Warrant he reads that says “Lawrence has NO CRIMINAL RECORD in Ct”. – the state and only town (Westport Ct.) of the alleged Incident Reports) that results in the reporter pushing untrue accusations and never can be proved accusations of *“Arrested for Stalking Several Women”*?

Issue/Question #2:

What actually happened **substantially** in these long gone fully investigated Incident Reports deemed not criminal? Can we ever know anything from these Incident Reports let alone any reference to them?

Issue/Question #3:

What is the definition of “stalking” when reporting on an arrest for a single count of Second Degree Breach of Peace? Is it the legal definition according to Ct. statutes, the dictionary definition (even though these definitions too have absolutely nothing to do with my case), or some kind of mix between the two? What are the cultural definitions of **“stalking”** via novels, movies, non-fiction, history, art in general and how do they play a part in defining **“popular acceptance” stalking**?

Issue/Question #4:

How is the accusation of, let alone arrest of, or let alone crime of **stalking** different from other crimes reported upon?

Issue/Question #5:

Is the news headline *“Man Arrested for one count of Second Degree Breach of Peace”* different than *“Man Arrested for Stalking Several Women”*?

Common sense. Obviously yes they are extremely different.

Issue/Question #6:

Are the **“IMPAIRMENTS”** of the news headline **“Man Arrested for one count of Second Degree Breach of Peace”** different than **“Man Arrested for Stalking Several Women”**?

Obviously yes they are extremely different.

Issue/Question #7:

Did News 12 **“mitigate the problem”** and **“dull the impact”** within their articles and numerous news broadcasts after their **“outright false”** description of the arrest in the headlines and graphics?

Issue/Question #8:

Who are the **“average reader/viewer”**? Is the average reader/viewer a single judge or more than one person in the form of 3 judges within an Appeals Court, juries, witnesses, studies, experts, surveys, and polls?

Issue/Question #9:

What are the **“popular acceptance”** of **“stalking”** behaviour let alone **“popular acceptance”** of the **“outright false”** news report **“Arrested for Stalking Several Women”**?

Issue/Question #10:

Is a thorough and detailed analysis of the Damages from the **“IMPACT”** of News 12’s **“outright false”** news reports necessary to measure if News 12 **“dulled the impact”** and necessary to measure how and how much to **“dull the impact”** from the various **“outright false”** news libel and slander?

Issue/Question #11:

Can you report on someone having **“stalking”** behavior from merely referencing the long ago fully investigated Incident Reports that resulted in no arrests/no charges aka no criminal behavior?

LET’S DO AN EXERCISE FOR RELEVANCE OF THOSE “INCIDENT REPORTS”:

Question – Imagine there was no arrest (for example - one count of Second Degree Breach of Peace) and someone doxxes these Incident Reports to a news company while I was running for political office. Can I be reported on in a special story as a **“STALKER OF SEVERAL WOMEN”**?

ANSWER - NO OF COURSE NOT.

Could this news company refer to police as saying I was a **“STALKER OF SEVERAL WOMEN”**?

ANSWER - NO OF COURSE NOT.

Issue/Question #12:

What is the difference between cases ongoing and cases closed resulting no arrest and what right does Altice/News 12 Mark Sudol have to spin **known** case closed incidents as **“Stalking”**?

Issue/Question #13:

What is (as the Arrest Warrant states) **“follow”** and **“get into personal space”** (a now newly coined popular phrase) and how can we define **“violation of personal space”**? Is not the police using this **“follow”** language intentionally avoiding to use the more extreme language of **“stalking”**?

Due to Word Limit, I will present all 30 issues/questions for the court in **Reply Brief** to aid their Decision/decision making after digesting the preponderance of data/undeniable evidence from the arguments in this Brief.

STATEMENT OF THE CASE:

In December of 2018, I James Lawrence Pro Se brought a **slander and libel** case against Altice USA/News 12 Connecticut via **Complaint – ECF 1, that was amended in the form of Amended Complaint - ECF 36** after Motion for Dismissal of case was Denied on the May 9, 2019 Motion for Dismissal Hearing. After Dec. 17, 2019 Summary Judgment Hearing, Judge Stefan Underhill controversially ruled in favor of Altice USA in his Jan. 9, 2020 Summary Judgement – **ECF 66**.

STATEMENT OF FACTS:

ECF 66 Summary Judgment is not good for the country.

Proceedings before Summary Judgment **ECF 66** included discussion of the issues at hand and presentation of evidence via Relative ECF Documents -

ECF 20 - Response 1

ECF 26 - Response 2

ECF 29 – Response 3

ECF 36 - Amended Complaint and More Ongoing Damages

ECF 48 - Opposition to Altice Submitted Statement of Facts and Evidence

ECF 49-50 - Live Link of Slander and Manually Submitted Exhibits of Broadcast Slander and Written Articles Libel

ECF 53 – Language of Past Incident Reports that Resulted in NO Arrest

ECF 59 - Dispatch Tapes of Arresting Incident.

SUMMARY OF ARGUMENT:

When a news report of **“Man Arrested for Stalking Several Women”** is mentioning and reporting on an actual arrest the legal definition of the word **stalk** must be considered in Summary Judgment. If the common dictionary definitions of the word **stalk** are to be considered then there should be proper interpretations of these complete dictionary definitions.

When deciding on the **“mind of the average viewer”** and **“popular acceptance”** of the words and behavior of **“stalking”** there needs to be a proper socially scientific presentation of how **stalking** is portrayed within as many cultural resources as possible if one is to claim to know the **“mind of the average viewer”** and **“popular acceptance”**.

When deciding on the **“mind of the average viewer”** and **“popular acceptance”** of the words and behavior of **“preying”** there needs to be a proper socially scientific presentation of how **preying** is portrayed within as many cultural resources as possible if one is to claim to know the **“mind of the average viewer”** and **“popular acceptance”**.

When claiming that a news organization **“dulls an impact”** of an **“outright false”** news report then there should be actual examples of this **“dulling of impact”**.

It is impossible to know what and how to **“dull an impact”** when there has been no proper analysis of the Damages from this **“impact”**.

BRIEF'S INTRODUCTION

Relative ECF Documents of Past District Court Arguments

ECF 20 - Response 1

ECF 20 Exhibit/Supplement #3 - Everyday Arresting Language of 2nd Degree Breach of Peace

ECF 20 Exhibit/Supplement #4 – Introductory List of Damages

ECF 26 - Response 2

ECF 29 – Response 3

ECF 36 - Amended Complaint and More Ongoing Damages

(NOTE: ECF 41-42 – Response 4 is **not immediately relative** because Judge Underhill wrote in Summary Judgment ECF 66 Page 12 in reference to Altice's submitted Exhibit as not relative because false arresting alleged Email incident happened 1 year after the March 14-15, 2018 time News 12 reported on me. This incident is however certainly relative to Damages done to me by Altice/News 12)

ECF 48 - Opposition to Altice Submitted Statement of Facts and Evidence

ECF 49-50 - Live Link of Slander and Manually Submitted Exhibits of Slander and Libel

ECF 53 – Language of Past Incident Reports that Resulted in NO Arrests

ECF 59 - Dispatch Tapes of Arresting Incident

*** NOTE: FOR THE PURPOSES OF THIS APPEAL BRIEF**

∞ - *Judge Stefan Underhill and Defendant Altice USA/News 12* -

will always be portrayed in Italics writing

∞ - Plaintiff James Lawrence –

will always be portrayed in Regular writing

NOTE: I sometimes use colored writing to make locating, discerning, and reading easier.

Red – refers to defamation of “Stalking”/“Stalking Several Women” and related terms to stalking or harassment.

Orange – refers to language within Arrest Warrant/Official Police Press Release.

Yellow – will symbolize Infraction.

Blue - will symbolize any past police incident report that was fully investigated resulting in no probable cause for any arrest and “cases” that are known by reporter to be closed statute of limitations in effect.

Green – refers to relative Exhibits and previous ECF documents.

BRIEF'S ARGUMENT – 14,000 Words

VERY QUESTIONABLE QUOTES FROM JUDGE UNDERHILL'S SUMMARY JUDGMENT ECF 66 DECISION.

LIST OF QUESTIONABLE, CONTRADICTORY, AND NONSENSICAL QUOTES FROM SUMMARY JUDGMENT ECF 66 THAT I WILL OFTEN REFER TO AND BASE MY ARGUMENTS UPON WITHIN THIS BRIEF:

≈ Judge Underhill: “It is an open question in the Second Circuit whether courts can take judicial notice of police incident reports, but it seems that many courts refrain from doing so. See, e.g., Alvarez v. County of Orange, N.Y., 95 F. Supp. 3d 385, 398 (S.D.N.Y. 2015); Bejaoui v. City of New York, 2015 WL 1529633, at *6 (E.D.N.Y. Mar. 21, 2015); Serrata v. Givens, 2019 WL 1597297, at *4 (E.D.N.Y. Apr. 15, 2019).” ECF 66 Page 2

Thereby sticking to proven and provable material and not known closed cases fully investigated resulting in no probable cause and no arrest and no complainant with statute of limitations in effect. Thereby leaving the necessary evidence of any alleged **stalking** to be with the one and only arresting incident and only an arresting incident and not material devoid of actual arrests like 4 Exhibits shared by Altice of past Incident Reports devoid of an arrest that were unproven and are un-provable **stalking** which clearly shows there was not intent for any **harassment**.

≈ Judge Underhill: “resolving” – yes – “resolving all ambiguities” ECF 66 Page 3

Thereby making sure there is a thorough examination of all the facts of case and resources.

≈ Judge Underhill: “The “substantially true” inquiry is heavily fact-dependent”, ECF 66 Page 14

Thereby asking that Judges be properly informed of all the facts – legal and cultural.

≈ Judge Underhill: “the court must view it from the mind of the average reader, taken by its popular acceptance, not its technical meaning” ECF 66 Page 14

Thereby reviewing and responding to all the evidence of popular acceptance of **stalking** and allowing for a thorough analysis and study of the *“minds of the average reader”*.

≈ Judge Underhill: “in context, the actual truth would have no different effect on a reasonable

reader” ECF 66 Page 17

Thereby truly understanding the obvious differences between one count of Second Degree Breach of Peace and Stalking/Stalking Several Women.

≈ Judge Underhill: “To be sure, the reports are not entirely correct. Recall that under Connecticut law, stalking implies a repeated behavior;⁹ breach of peace does not.

Additionally, both legally¹⁰ and in common parlance,¹¹ the term “breach of peace,” taken on its own, certainly does not conjure the same vision of sexual predation that the term “stalking” does.¹² Lawrence was never charged with the crime of stalking in Connecticut. For that reason, it was arguably inaccurate when all six reports said in their opening lines that Lawrence was “facing charges for allegedly stalking” women. For the same reason, it was arguably inaccurate to show graphics in TV Report 4 that read “STALKING ARREST” and “Stalking Charges.” Finally, it was arguably inaccurate when the headlines in Articles 1 and 2 reported “Police: Westport man charged with stalking women.” Stalking and breach of peace are not identical.”

ECF 66 Page 17-18

Thereby obeying legal facts and completed and accurate dictionary definitions of **stalking** let alone all the multi-cultural definitions of **stalking** thus the “the mind of the average viewer” and “popular acceptance”.

≈ Judge Underhill: “However, that difference does not make the statements at issue defamatory. When evaluating whether a statement is defamatory, “the court must view it from the **mind of the average reader, taken by its popular acceptance, not its technical meaning.**”

ECF 66 Page 18

Thereby truly knowing the “mind of the average viewer” and “popular acceptance” of **stalking** in the forms of evidence, studies, surveys, polls, experts, linguists, psychologists, other judges, etc...

≈ Judge Underhill: “Importantly, in common usage, “stalking” does not mean, necessarily, repeated behavior. See Stalk, Random House Webster’s Unabridged Dictionary (2d ed. 1998) (“[T]o pursue (game, a person, etc.) stealthily.”); Stalk, The Merriam-Webster.com Dictionary, <https://www.merriam-webster.com/dictionary/stalk> (last visited Jan. 4, 2020) (“[T]o pursue obsessively and to the point of harassment.”)¹³ ECF 66 Page 18-19

Thereby having all the proper legal, dictionary, artistic, and multi-lingual/multi-cultural “popular acceptance” ways **stalking** is defined especially since 1990 when **stalking laws** started to become enacted that clearly show 99% of the time the “popular acceptance” is aggressive repeated behavior toward someone. And showing the complete definition of **stealth** which is a type of secretive behavior for hunting/killing term hence why new **stalking** laws based on serial

killer cases where named **stalking** in the 1990s.

<https://www.merriam-webster.com/dictionary/stalk>

Webster's Stalk - 1: to pursue quarry or prey stealthily

2: to walk stiffly or haughtily

1: to pursue by stalking

2: to go through (an area) in search of prey or quarry

3: to pursue obsessively and to the point of harassment

≈ Judge Underhill: *How and if News 12 "dulled the impact" ECF 66 Page 19, See ECF 36 - DAMAGES.*

Thereby knowing the actual "impact" after proper analysis of the Damages from the "impact" and providing proper examples of how this "impact" was actually "dulled".

≈ Judge Underhill: *"the segment, a reasonable reader would not have been affected differently had the graphics not appeared, or, instead, read "BREACH OF PEACE ARREST." ECF 66 Page 19-20*

Thereby bringing into question - Who in their right mind would believe this utter nonsense? What is next petty theft is the same as armed robbery? A flu the same as a pandemic virus?

≈ Judge Underhill: *"Police: Westport man charged with stalking women." That is misleading if not outright false. But the remainder of the Articles, again, mitigates ("dulls") the problem. ECF 66 Page 20*

Thereby being able to provide proper examples of this News 12 "mitigating of the problem"/"dulling the impact".

≈ Judge Underhill: *..."The same goes for Articles 1 and 2. Their headlines read: "Police: Westport man charged with stalking women." That is misleading if not outright false. But the remainder of the Articles, again, mitigates ("dulls") the problem." ECF 66 Page 20*

Thereby being able to provide proper examples of this News 12 "mitigating of the problem"/"dulling the impact".

≈ Judge Underhill: *"The headlines (**Police: Westport Man Charged for Stalking Several Women**) are not defamatory because the average person reading the (News 12) Articles would not have been affected differently if the headlines read, for instance, "Police: Westport man charged with breach of peace for following woman. Thus, the headlines are substantially true." ECF 66 Page 20*

With all due respect, thereby again bringing into question the obvious issues now with this ECF 66 spin - Who in their right mind actually believes this opinion obviously at odds with the minds of the *“average viewer”* and *“popular acceptance”*.

**≈ 4 EXAMPLES JUDGE UNDERHILL BEING WRONG ON
BASIC FACTS OF THE ARREST WARRANT/CASE:
Necessary Clarifications.**

Due to Word Limit - See Exhibit AA

SOME OF WHAT I ALREADY ARGUED IN PREVIOUS RESPONSES IN REGARD TO THE “SUBSTANTIALLY TRUE” ARGUMENT WITH ENHANCEMENTS

Referencing ECF 20, 26, 29, 36, 48-50, 53, 59

STALKING COURSE OF CONDUCT

Stalking Course of Conduct. The law defines “course of conduct” as two or more acts, including those in which a person directly, indirectly, or through a third party, by any action, method, device, or means (1) follows, lies in wait for, monitors, observes, surveils, threatens, harasses, communicates with, or sends unwanted gifts to, a person or (2) interferes with that person's property.

TWO OR MORE (AKA REPEATED OR PERSISTENT) ACTS TOWARDS A SINGLE PERSON AKA “CASE”.

FACT: I “stalked” no one let alone “*arrested for stalking several women*”. All past Incident Reports (not relative to arresting incident) that were thoroughly investigated resulting in no arrests **cases known by the reporter to be long closed** and cases **known to be unproven and un-provable** were **one-time alleged incidents** in broad daylight at public markets that were wired with cameras inside and out and so once again – Where is the evidence? There is none!!!. Where is one arrest let alone conviction? Where is one video of me **stalking** or **harassing** someone at a market?! Where is there one complainant/witness pressing charges?!!! Veritable **stalking** happens at unexpected places like a person’s work or home and not at a shared supermarket via a one-time crossing of paths! This is also the age of the I-Phone and readily recorded pictures. Where is any evidence? There is none because I NEVER **STALKED** OR “**SUBSTANTIONALLY**” **STALKED** ANYONE. This ambush and resulting persecution by News 12 is a mysterious hit job with life damaging and ongoing “*impact*”.

USLegal > Legal Definitions > C > Course of Conduct

Course of Conduct Law and Legal Definition



This site contains REAL police records (court records of driving citations, speeding tickets, felonies, midemeanors, sexual offenses, mugshots, etc.), background reports, photos, court documents, address information, phone numbers and much more. Monitor YOUR online records here!



According to 18 USCS § 2266 [Title 18. Crimes and Criminal Procedure Part i. Crimes Chapter 110a. Domestic Violence and Stalking] course of conduct means “a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.”

ARREST WARRANT WORDING FOR THE ARREST:

JUDGE UNDERHILL QUESTIONABLY AVOIDED THIS ARGUMENT FROM MY FIRST APPROVED SUR-REPLY (ECF 53) SHOWING THE ACTUAL CAREFUL “*follow and get right into personal space*” LANGUAGE USED WITHIN THE ARREST WARRANT BY POLICE (let alone any past unrelated Incident Report) THAT HAS NOTHING TO DO WITH “*Stalking*” OR SIGNIFICANTLY WORSE “*Stalking Several Women*”.

Among the already debated and formally presented
OPERATIVE TERMS HERE when referring to News 12’s slander and libel
“ARRESTED FOR _____”

FACT: I was not even arrested for “*following and getting into personal space of WOMEN*”.
I cannot be arrested for anything years past for statute of limitations are long gone and I committed no crime thus why I was never arrested. All “Incident Reports” are one-sided documents showing no crime. Nothing in these reports showed any “*Stalking*” (see ECF 53, fact Altice never shows such evidence) and Altice can never prove any of these as being anything but a one-sided complaint resulting in investigation and no arrest an no charge or charges – case closed, and NOT “*Stalking*” or “*Arrested for Stalking Several Women*” – UTTER HYPE, LIES, SLANDER, MALICE.

I was arrested for a single count of Second Degree Breach of Peace for
“*Allegedly following A WOMAN at a market*” - NOT “*WOMEN*”
at a public suburban supermarket over a time period of no more than 5 minutes without words.

Media would also be slandering and defaming me if they wrote I was
“*Arrested for Following Several Women at a market*” – PLURAL – unproven and un-provable.

This word “**Follow**” was used in the Arrest Warrant for A SINGLE COUNT OF SECOND DEGREE BREACH OF PEACE ARREST AND NOT “*Arrested for Stalking Several Women*”.

English: Follow –

verb (used with object)

- 1: to come after in sequence, order of time, etc.: *The speech follows the dinner.*
- 2: to go or come after; move behind in the same direction: *Drive ahead, and I'll follow you.*
- 3: to accept as a guide or leader; accept the authority of or give allegiance to: *Many Germans followed Hitler.*
- 4: to conform to, comply with, or act in accordance with; obey: *to follow orders; to follow advice.*
- 5: to imitate or copy; use as an exemplar: *They follow the latest fads.*
- 6: to move forward along (a road, path, etc.): *Follow this road for a mile.*
- 7: to come after as a result or consequence; result from:
- 8: to go after or along with (a person) as companion.
- 9: to go in pursuit of: *to follow an enemy.*
- 10: to try for or attain to: *to follow an ideal.*

11: to engage in or be concerned with as a pursuit: *He followed the sea as his true calling.*
 12: to watch the movements, progress, or course of: *to follow a bird in flight.*
 13: to watch the development of or keep up with: *to follow the news.*
 14: to keep up with and understand (an argument, story, etc.): *Do you follow me?*
verb (used without object)
 15: to come next after something else in sequence, order of time, etc.
 16: to happen or occur after something else; come next as an event: *After the defeat great disorder followed.*
 17: to attend or serve.
 18: to go or come after a person or thing in motion.
 19: to result as an effect; occur as a consequence: *It follows then that he must be innocent*
See ECF 53 – Language of Incident Reports (that reporter never even read)

Where is the word “stalking” in the dictionary definition of “follow”, the actual language used by police in the Arrest Warrant let alone any long gone Incident Report?

FACT – stalking does not appear in the dictionary definition of “follow” nor in any of the thesaurus definitions of “follow”.

The screenshot shows the Thesaurus.com website. At the top, there is a search bar with the word "follow" entered. Below the search bar, the word "follow" is displayed in large letters, followed by its phonetic transcription [fol-oh] and a speaker icon. To the right of the word, there is a link that says "SEE DEFINITION OF follow". Below the word, there are four tabs: "verb take the place of", "verb trail, pursue physically", "verb act in accordance with", and "verb understand". The "verb trail, pursue physically" tab is selected. Below the tabs, there is a section titled "Synonyms for follow" which contains a grid of synonyms: pursue, chase, displace, ensue, postdate, replace, result, succeed, supersede, supervene, supplant, be subsequent to, come after, come from, come next, go after, go next, proceed from, and spring from.

YES MORE FACTS: There is no **stalk** or **harass** here in the substantial language of the language used in the Arrest Warrant - **“follow”** and **“get into personal space”!!!**
See Exhibit X

ARREST WARRANT WORDING FOR THE ARREST AND WORDING WITHIN THE ARREST WARRANT NARATIVE

Arrest Warrant Section 2:

2. That on November 05, 2017, at approximately 6:18 p.m., I was dispatched to 605 Post Road East, the Fresh Market, for the report of a suspicious person. Dispatch advised that the complainant stated that a white male with short brown hair, approximately 6' tall, wearing a green fleece jacket and blue jeans had followed her around the inside of the store while she was shopping. That this person then followed her out to her car and just stood in front of her car staring at her. That she quickly got into her vehicle and locked the doors and when she looked again, this person was standing right next to her drivers door. She stated that she drove away to get away from this person and called the police.

Notice the wording *"followed"* and then *"standing right next to her driver's door"*.

Keep in mind this is subjective and unproven and never criminal.

I ask – How can there be veritable **stealth** is you are merely walking up to someone and standing in front of a car window to ask a question for there is no hidden or concealing or surreptitious behavior let alone intent to attack.

Arrest Warrant Section 6:

6. That upon returning with Lt. Gouveia and Sgt. Russo we met with James Lawrence and Castagnazzi inside the store. When asked, Lawrence stated that he had returned to the store to turn over a \$100.00 dollar bill he had found on the floor as he was walking out of the store. He stated that he walked over to the complainants car to see if the money belonged to her but when he approached her vehicle she drove away before he could say a word.

Notice reporter is reading the Arrest Warrant doing his special hit job story 10 days after the arrest for one count of Second Degree Breach of Peace before Due Process of Law and does he ever mention this section? NO. His report was agenda-driven and biased. His report has no mention of the money and no use of the wording *"walked over"* for how else can someone encountering another in public without any previous contact be described in such a short time period? And since when is this attempt to ask a question *"stealth"*. And how is there any **harassment or stalking** when there were never any words spoken aka warnings.

Arrest Warrant Section 7:

7. That Lawrence was questioned about following the complainant around the store prior to leaving and then standing in front of her vehicle staring at her. He stated that he did not do either. That he was just inside the store shopping as he always does. Lawrence was then asked why he waited so long before turning the money over to the store and why he left the store with the money instead of turning it in right away. Lawrence became very agitated and said that he did nothing wrong. Lawrence was advised that it was his behavior and the fact that he followed the complainant all the way to her car making her very nervous for her safety that the police were involved in this matter. ? 15 feet in front of store. Cars parked next to each other

Notice again the deployment of the words *"following"*, and then *"followed all the way to her car"* (parked next to each other in front row of public parking lot hardly "all the way").

Arrest Warrant Section 11:

11. That in checking this departments case history with Lawrence, I learned that there were ^{superlatives} 10 [?] case incidents logged from 2002 till present. In all of these complaints Lawrence was seen ^{Lies} following the complainants around a store or coffee shop and then following them out to their cars where he would either stare at them or get right into their personal space. In most of these ^{R.S.} cases, Lawrence was told that his actions scared the complainants to the point of them calling the police. He has even stated himself that he needed to rethink his approach with woman. That I also learned from these reports that there were a lot of other incidents with Lawrence that

Notice the wording “following” and then “following them out to their cars” and “stare at them or get into personal space”. Notice that the words **stalk** or **harass** are not deployed. This is a very botched description of long gone Incident Reports to which Altice only shares 4 Incident Reports that were already investigated resulting in no arrest, cases that are **known** to be long closed as the Warrant clearly states - no criminal record in Ct. to which is the location of Westport - the town of all alleged incidents. Nowhere else is there police Incident Reports having visited all surrounding towns in the Tristate area every day and having lived throughout the U.S.A. Some perspective is that the police are writing this Arrest Warrant (what the reporter is reading) with no intent to share publically before Due Process of Law (see Exhibit E).

English: Stare – 1: to look fixedly often with wide-open eyes

2: to show oneself conspicuously

Conspicuous - easily seen or noticed: readily visible or observable

WHERE IS THE “STALKING STEALTH”?

English: Stealth - 1a: a cautious, unobtrusive, and secretive way of moving or proceeding intended to avoid detection

2: bomber fighter airplanes designed to avoid detection

 SINCE 1828

GAMES | BROWSE THESAURUS | WORD OF THE DAY | WORDS AT PLAY

invade someone's space

DICTIONARY | THESAURUS

invade someone's space idiom

 Save Word

Definition of *invade someone's space*

: to place oneself too close to someone

// I felt uncomfortable with her so close, *invading my space*.

also : to be in the space where another person is or wants to be

// I went to study in the library so I wouldn't *invade my roommate's space*.

NOTICE NO USE OF THE WORD STALK OR HARASS SEE EXHIBIT X

There is no **stalking language** in this dictionary definition of *“invade personal space”* let alone all the articles that address *“invading personal space”* issues. And keep in mind Arrest Warrant did not even say I was “invading” personal space but used the words “get right into personal space”. Once again hardly **stealthy**.

Altice/News 12 reporter Mark Sudol then after dubiously ascertaining the Arrest Warrant against police redaction policies, rushes out a hastily done and *“outright false”* series of stories via broadcasts and articles that goes on to report I was *“Arrested for Stalking Several Women”* and *“preying on women”*. This is *“outright false”* as Judge Underhill admits. So I ask, how can I be portrayed as a **“stalker”** if the police themselves are not deploying this **stalking language** and having 14 sections in their Arrest Warrant to use this hideous term **stalk** let alone **prey** or even **harass**, for both these terms are obviously far more different than the Warrant’s actual wording. And Judge Underhill’s **stealth** theory fails according to the definition of *“stare”* let alone *“get right into personal space”* let alone the real dictionary definition of **stalk – to pursue quarry stealthily** – a hunting and killing term hence the term **stalk** becoming the name of new more stringent **harassment** laws based on serial killer cases from the late 1980s.

FACT: the POLICE NEVER deploy the **stalking language for obvious reasons – they would be subject to a lawsuit for misrepresenting the arrest and contradicting their previous investigations of long gone alleged incidents.** They have no evidence of **continual, persistent, repeated encounters** and need to be careful in their descriptions. Since News 12 is parroting what the Warrant reads, by jumping to more extreme language and charges is obviously slander and libel and cannot be rationalized/spun as *“substantial truth”* because it is clear the police are being careful with their wording. Police could never prove intent for **stalking**.

FACT: I was arrested for one count of Second Degree Breach of Peace for a one-time 3 minute encounter of allegedly *“following and getting into personal space”* of a woman at a local Fresh Market. This language by arresting officer written in the Arrest Warrant – the issue at hand (and in reporter’s claw) was carefully made so not to use the terms *“Arrested for Stalking Several Women”* and *“preying on women”* to which they never deployed for obvious reasons. Who would even use this rare *“getting into personal space”* language? – Police. Why? So to not make the mistake of using the **harassing or stalking language.**

FACT: Allowing for this type of conflating coverage is very dangerous for how would we then depict **real stalkers with **actual stalking arrests and stalking convictions**.** Conflating one count of Second Degree Breach of Peace – misdemeanor, or non-criminal Infractions of Disturbing the Peace, with actual proven **Stalking – 3 levels of Stalking on the books – 2 of which are felonies**, would make the very very serious crime of **stalking** less severe and thereby those with **stalking convictions** would then far to easily argue their conduct was something less than what it was despite what Due Process of Law clearly found out to be the contrary. The public at large then would be loosely calling each other **stalkers** far more than now at increasing rates thereby lowering the bar to which actual **convicted stalkers** would get more lenient passes in the public attention. This is not what law is about.

QUESTION: If we are going to allow my **one count of Second Degree Breach of Peace** and unproven and un-provable past incidents (mysteriously devoid of names and arrests) to be grossly portrayed as **stalking** then what do we call **proven and provable stalking – real criminals**? What is next – labelling unproven un-provable petty thieves as armed robbers?

What is particularly interesting is how this new popular phrase - “*get into/invade personal space*”, as **Exhibit X** shows it to be, in some ways has similar intentions to what we as a nation/world are now learning to practice – a new term called 6 feet “social distancing”. Once again, this phrase too being carefully chosen words to avoid using extreme language. Both phrases seem to me to be phrases attempting to establish parameters of desired or not desired space before any more serious accusations like Course of Conduct **Harassment** and worse – **Stalking** would take place. What do we do now when someone is not “socially distancing” to our preference – tell them to back off – words, warnings to abide by. Where is there any proper stages of types of interactions within the Arrest Warrant language that shows, warnings let alone words, more than one location, issues of restraining orders let alone restraining orders violated, or intent to approach someone against their wishes?

Wiktionary Definition of Stalk See Exhibit I

Verb [edit]

stalk (third-person singular simple present **stalks**, present participle **stalking**, simple past and past participle **stalked**)

1. (*transitive*) To approach slowly and quietly in order not to be discovered when getting closer. [quotations ▼]

2. (*transitive*) To (try to) follow or contact someone constantly, often resulting in **harassment**.^{Wp}

*My ex-girlfriend is **stalking** me.*

3. (*intransitive*) To walk slowly and cautiously; to walk in a stealthy, noiseless manner. [quotations ▼]

(Can we **find and add** a quotation of Shakespeare to this entry?)

4. (*intransitive*) To walk behind something, such as a screen, for the purpose of approaching game; to proceed under cover. [quotations ▼]

1: I WAS NOT approaching in order to not to be discovered for I came up to a car window to say hello and allegedly “*got right into personal space*”.

2: I WAS NOT trying to follow or contact **constantly resulting in **harassment****

3: I WAS NOT walking noiseless (hence Breach/Disturb Peace charge) and without veritable **stealth**

4: I WAS NOT approaching **game, prey, or quarry**

CONNECTICUT LAW FOR THIRD DEGREE STALKING

CONNECTICUT LAW

The law defines **Third-Degree Stalking** as recklessly causing another person to reasonably fear for his or her physical safety by **willfully and repeatedly** following or lying in wait for that person (CGS § 53a-181e(a)). The offense is a class B misdemeanor, punishable by up to six months in prison, up to a \$ 1,000 fine, or both (CGS § 53a-181e(b)).

The operative term here is **“repeatedly”**. There was no repetition of any interaction outside of the alleged Nov. 5, 2017 incident. Someone accused of **“stalking”** would need to have been warned or at least there to be more than one time period of contacts. The Arrest Warrant clearly shows my arrest a one time happening in a shared public place without any previous contacts and no contacts afterwards. I never knew the woman, still do not, she remains anonymous aka not coming forward as witness and making a Sworn Written Statement, hence there is no name behind this incident like any other alleged incident, and I never saw her again nor any other alleged complainant that resulted in no arrest after investigation aka those Incident Reports. This arresting incident (why all the hoopla began in the first place) was someone I crossed paths with at my local market I visited every day less than 1 mile from my home. I never saw this person before and never again. She has not made her name known as a witness after 2 ½ years. And as the Arrest Warrant shows there were no words spoken as well.

See ECF 59/Appeal Exhibit D – Dispatch Tapes

FACT: The Police did not charge me with 3rd Degree Stalking, nor with Harassment, nor Threatening – all possible charges in Ct. When I approached the woman to ask her a question (all in the Arrest Warrant) my car was parked next to hers. I did not know this person at all. **You cannot “stalk” a complete stranger in matter of 3 minutes!!!**. At worst one can **“follow”** as the more respectable media reported 2 weeks before OR **“LINGER ALMOST”** AS COMPLAINANT SAID IN DISPATCH TAPES. **See Exhibit D – Dispatch Tapes/ECF 59**

This new term/phrase of **“getting into personal space”** as the Arrest Warrant reads, obviously is being careful and trying to avoid the words **“stalking”** so why not report at the worst **“Man ARRESTED for allegedly following and getting into a woman’s personal space”**?

See ECF 29 – The Reporting on Joe Biden’s Unwanted Touching

FACT: Police never deploy the **“stalking”** language in the Arrest Warrant - the issue at hand in News 12 reporter Mark Sudol’s claw. **The police charged me with a single count of Second Degree Breach of Peace NOT “Facing Charges for Stalking Several Women”** as News 12 reported on every one of their written articles and broadcasts around the clock for 2 days around the Tristate area and world at large. The rest of the more responsible media reported on my arrest 2 weeks before as *“Man Allegedly Followed A Woman Around A Market.”*

JUDGE UNDERHILL DOES AN UNFAIR AND NOT PROPERLY DETAILED ARGUMENT FOR HIS SUBJECTIVE DICTIONARY DEFINITION POSITION – Basis of his Decision.

See ECF 66 Page 18-19

FACT: My alleged AND UNPROVEN and UN-PROVABLE behaviour does not fit the Connecticut legal definitions of “Stalking” nor the everyday dictionary definition of “Stalking”, hence my arrest for one count of Second Degree Breach of Peace and NOT “ARRESTED for Stalking Several Women”.

FACT: The police gave a reader of the Arrest Warrant like News 12 a charge and language to work with – one count of Second Degree Breach of Peace “follow” and/or “stare or get right into personal space” and NEVER USE THE WORD “stalk” let alone “stalking several women” in their Arrest Warrant for anything. This is also Evident in their Police Press Release of the Arrest. Does anyone think that police would publish an article on their Facebook blog or in their Official Press Releases of an Arrest saying I was “stalking several women”. Of course not. Then why is the media allowed by Judge Underhill to deviated so extremely from the established facts?

SEE EXHIBIT A, E - OFFICIAL POLICE PRESS RELEASE OF ARREST.

CONNECTICUT LAW

(a) A person is guilty of **Breach of the Peace in the Second Degree** when, with **intent** to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person: (1) Engages in fighting or in violent, tumultuous or threatening behavior in a public place; or (2) assaults or strikes another; or (3) threatens to commit any crime against another person or such other person's property; or (4) publicly exhibits, distributes, posts up or advertises any offensive, indecent or abusive matter concerning any person; or (5) in a public place, uses abusive or obscene language or makes an obscene gesture; or **(6) creates a public and hazardous or physically offensive condition by any act** which such person is not licensed or privileged to do. For purposes of this section, “public place” means any area that is used or held out for use by the public whether owned or operated by public or private interests.

See ECF 59/Appeal Exhibit D - Dispatch Tapes

Once again, the unproven one count Second Degree Breach of Peace arresting incident was a **one time happening** (no more than 5 minutes of time but in all actuality 30 seconds at most) involving one person at a local market. No words were spoken up to my peaceful attempt to say hello at our cars parked next to each other in the front row of the parking lot (American car culture) hence NO **secretive surreptitious stealth agenda** involved. I never saw this person before nor saw this person ever again. It was a simple crossing of paths in a shared public forum. The alleged incident was an every day occurrence. See ECF 29, 59/Appeal Exhibit D

FACT: I AM NOT GUILTY OF ANYTHING UNDER THIS STATUTE OF SECOND DEGREE BRECH OF PEACE. And if someone was to plea to a mere Infraction of Creating a

Public Disturbance and pay a \$90 fine for the incident this Infraction would be viewed as non-criminal and does not show up on a criminal record. Creating a Public Disturbance is a loud happening that is hardly **secretive surreptitious stealth agenda**. An Infraction would be an established one-time act that can never be viewed as **stalking** let alone **“arrested for stalking several women”** hence the careful language of Second Degree Breach of Peace and Creating a Public Disturbance laws which both NEVER have the **stalking or harassing** Course of Conduct language within these statutes.

The language of the Arrest Warrant was **“follow and get into personal space”** which could be applied to anyone over a host things every day but since it is established there was no words spoken up to the time I attempted to say hello during the alleged one-time incident at a market how can anything like the words **stalk and prey** be deployed by the media?

FACT: The officer uses these words “follow and get into personal space” so to avoid using the word “stalk” or “harass” (which would involve repeated and persistent unwanted verbal or physical badgering) both of which are Connecticut Laws in themselves **let alone the slanderous impact from the cluster bomb “Arrested for Stalking Several Women”** - obviously slander and libel in the mind of the **“average viewer” or “popular acceptance”**.

In Fact if there was something like **Harassment** (unwanted words after warnings aka repeated or persistent), a lower charge than **Stalking** all around the nation, the officer would have charged me with **Third Degree Stalking** but he did not. In Connecticut **First and Second Degree Harassment** involves electronic media with multiple unwanted repeated communications and there is no Third Degree Harassment charge in Connecticut. If there was a lower-end case of **Harassment** (once again repeated persistent unwanted contacts) Connecticut police would deploy the **Third Degree Stalking Law** to charge this person.

MY ONE COUNT OF SECOND DEGREE BREACH OF PEACE HAS NOTHING TO DO WITH HARASSMENT AND STALKING – both with clear dictionary and legal definitions let alone connotations of repeated, persistent, continual actions aka more than one act/time. My arrest had to do with allegedly a one-time **“following and getting into personal space”** at a public market and yes this is obviously a crime chosen by the police to charge me with so to avoid the **Harassment or Stalking or Threatening statutes** on the books because they could not come close to charging me with a proper agreed upon definitions of proof and intent of multiple act **“Stalking” or “Harassment” or even a “Threatening”** let alone convicting me of anything hence once again - no evidence of even criminal misdemeanor Second Degree Breach of Peace.

Once again:

Second Degree Breach of Peace

a) A person is guilty of breach of the peace in the second degree when, **with intent** to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person:

(6) creates a (SINGLE) public and hazardous or physically offensive condition

English: Hazardous - ? : 1: involving or exposing one to risk (as of loss or harm)

English: Risk - 1: possibility of loss or injury

2: someone or something that creates or suggests a hazard

THERE WERE NO RISKS, NO HARMS, NO LOSSES INVOLVED OR EXPOSED –
I only attempted to question in a non-secretive way – talking – an everyday occurrence.
Mystery complainant lost nothing and had no harm done to her.
BUT- SEE MY LOSSES AND HARMS DONE TO ME BY ALTICE USA/NEWS 12!!!!.
SEE ECF 36 - LIST OF DAMAGES

Physically offensive - ?

See ECF 59/Appeal Exhibit D - Dispatch Tapes of Complainant's own language of solitary arresting incident resulting in no conviction –
"sort of just lingering", "almost lingering.. I don't know" ..

See Exhibit X – American Psychological Association/Webster's Dictionary definitions of "invade personal space".

SECOND DEGREE BREACH OF PEACE

(6) creates a public and hazardous or physically offensive condition

.. CREATES **Δ** SINGLE AKA **NOT REPEATED OR NOT PERSISTENT** – WITH REPEATED AND PERSISTENCE AS THE KEY WORDS IN THE DEFINITION OF **HARASSMENT AND STALKING** IN LEGAL AND EVERYDAY DICTIONARIES.

FACT: **Harassment** is considered a lower level charge than **stalking**, but all dictionary definition evidence of **harassment** show that 99% of the time **harassment** is described as a Course of Conduct – **repeated, persistent, continual, chronic, more than one act toward someone.**

FACT - The term "**stalking**" is not used within the descriptions of the lesser severe crimes of Second Degree Breach of Peace. When comparing to Second Degree Breach of Peace, the term "**stalking**" is not even used in more serious charges like Threatening and Harassment. And yes much like the new Stalking Laws (that were brought onto the books of states around the country since 1990 based on serial killers), "Harassment" and "Threatening" are distinct laws in Connecticut. All laws are defined for a reason. Without **PRECISE** definition there is chaos. Conflation of all these distinctly different crimes will lead to actual proven **stalkers** to be viewed in a lesser way than what the **stalking laws** enacted intended.

Since my reported upon "INCIDENT" was an **arresting incident**, a legal dictionary is the authority when analyzing a police Arrest Warrant. Police = law. A highly subjective dictionary definition of **stalking** of un-described **surreptitious secretive stealth for quarry** not in tune with the "***mind of the average reader***" and "***popular acceptations***" of what **stalking** is clearly viewed to be throughout multiple cultures now is not germane when law enforcement officials write their descriptions of their arrest on an Arrest Warrant, hence within the Arrest Warrant the officer deploying the words **"follow and getting into personal space"**.

IF YOU DARE TO ARGUE

THE DICTIONARY DEFINITION OF STALK (See Exhibits N-V):

English: Stalk – [“pursue stealthily”, Old English – *stealcian*, as in *bestealian* “to steal along” from Proto-Germanic **stalkon*, frequentative of PIE **stel-*, possibly a variation of *ster-* (3) “to rob, steal” (see steal (v.)) Meaning “**harass obsessively**” first recorded 1991]

English: Obsession - the domination of one's thoughts or feelings by a persistent idea, image, desire, etc.

English: Stalk -

1a: pursue or approach quarry or prey stealthily ???(AS JUDGE UNDERHILL REFERS)

b: harass or persecute (someone) with unwanted and obsessive attention.

"for five years she was stalked by a man who would taunt and threaten her"

c: move silently or threateningly through (a place).

"the tiger stalks the jungle"

2: stride somewhere in a proud, stiff, or angry manner.

1a: I WAS NOT approaching stealthily for I was in a public market, and merely walked from an entrance of a store to our cars in an effort to say “hello” and ask a question. I was intended to be seen and conspicuous. This is hardly “stealthily”. I was NOT pursuing quarry. I NOT hunting.

1b: I WAS NOT harassing for there was no repetition of anything and no words at all, not persecuting for there was no bad intent, nor obsessive for I never saw this person before or after the momentary encounter.

1c: I WAS NOT moving silently or “threatening” thus not charged with Threatening which is an actual charge on the books in Connecticut law.

2: I was not stiff, proud, or angry.

English: Harass – 1: to disturb persistently; TORMENT, as with troubles or cares;

bother continually; PESTER; persecute

2: to trouble by repeated attacks, incursions, etc...

as in war or hostilities, harry, raid

English: Persistently – 1: persisting, especially in spite of opposition,

obstacles, discouragement, etc. persevering

2: lasting or enduring tenaciously

3: constantly repeated; continued

English: Repeatedly -

English: Repeat [14: from Old French repeter, from Latin repeterere to seek again]

1:(when tr, may take a clause as object) to say or write (something) again, either once or several times; restate or reiterate

2: to do or experience (something) again once or several times

3: (intr) to occur more than once the last figure repeats

**repeat oneself to say or do the same thing more than once,
esp so as to be tedious**

There was NO REPEATED CONTACTS OR PERSISTENCE – NO opposition, NO discouragement, NO obstacles. There were NO warnings, NO words as Arrest Warrant says, only a single call of a complaint of ONE ALLEGED INCIDENT. There were NO tenacious

enduring approaches and NEVER words of opposition from the complainants. **The incident and all never arrested for incidents of long gone past supermarket encounters NEVER involved any repeated or continued approaches.** I was warned by police and stayed away. And there was NO tenacity in any approach.

**English: Torment – 1: to afflict with great bodily or mental suffering; pain
2: to worry or annoy excessively**

There was NO bodily or mental suffering.

There was NO excessive worry or annoy.

Maybe brief worry – but NOT excessively hence

NEVER ARRESTED FOR ANY PAST INCIDENT MENTIONED BY OFFICER SULLIVAN.

English: Pester – to bother persistently with petty annoyances; trouble

Once again,

there was NO persistent behavior with a particular complainant,

there was no annoyances – plural. (See ECF 59/Appeal Exhibit D listen to Dispatch Tapes).

Completed Blacks Law Dictionary Definition of **Stalking: See Exhibit K
(bef. 12c) – means before 12th century.**

1: the act or instance of following another by **stealth**

2: the offense of following or loitering near another, often **surreptitiously, to annoy or harass that person or to commit a further crime such as assault or battery.**

Black's Law Dictionary Definition of **Stealth: (not included by Judge Underhill)**

English: Stealth – Theft; an act or instance of stealing

Merriam Webster's Dictionary Definition of **Stalking:**

English: Stalk –

1: to pursue **quarry or prey stealthily??? (AS JUDGE UNDERHILL REFERS)**

2: to walk stiffly or haughtily

1-2: I WAS NOT pursuing quarry or prey. This is a hunting and killing term hence new stalking laws in 1990 emanating from serial killer cases. Stealth is a type of secretive behavior – hunting.

transitive verb

1: to pursue by stalking

2: to go through (an area) in search of **prey or quarry** stalk the woods for deer

3: to **pursue obsessively and to the point of harassment**

English: Obsessively - 1: persistent disturbing preoccupation with an often unreasonable idea or feeling; excessive often to an unreasonable degree

English: Quarry – 1: game specifically; game hunted with hawks

2: one that is sought and pursued: prey

3: a heap of game killed in a hunt

Merriam-Webster Dictionary See Exhibit N

English: Prey – n. 1: an animal taken by a predator as food

b: one that is helpless or unable to resist attack : VICTIM

2: the act or habit of preying

3archaic : SPOIL, BOOTY

Prey – v. 1a: to seize and devour prey

1b: to commit violence or robbery or fraud

2: to have an injurious, destructive, or wasting effect

3: to make raids for the sake of booty

Merriam-Webster Dictionary

English: Stealth - 1a: a cautious, unobtrusive, and secretive way of moving or proceeding **intended to avoid detection**

2: bomber fighter airplanes designed to avoid detection

1: I WAS NOT approaching stealthily for I was in a public market, and visibly and conspicuously walked from an entrance of a store to our cars in an effort to say “hello” and ask a question at her car window. This is hardly “stealthily” for I attempted to say “hello”.

2: I WAS NOT searching prey or quarry aka hunting or killing – the root of this “stealth” definition is a hunting and killing term. Stalking laws came about from serial killer cases.

3: I WAS NOT harassing under the legal and dictionary definitions of harass

All not included by Judge Underhill.

(See Exhibits K-X)

Arrest Warrant Section 2:

2. That on November 05, 2017, at approximately 6:18 p.m., I was dispatched to 605 Post Road East, the Fresh Market, for the report of a suspicious person. Dispatch advised that the complainant stated that a white male with short brown hair, approximately 6' tall, wearing a green fleece jacket and blue jeans had followed her around the inside of the store while she was shopping. That this person then followed her out to her car and just stood in front of her car staring at her. That she quickly got into her vehicle and locked the doors and when she looked again, this person was standing right next to her drivers door. She stated that she drove away to get away from this person and called the police.

Arrest Warrant Section 6:

6. That upon returning with Lt. Gouveia and Sgt. Russo we met with James Lawrence and Castagnazzi inside the store. When asked, Lawrence stated that he had returned to the store to turn over a \$100.00 dollar bill he had found on the floor as he was walking out of the store. He stated that he walked over to the complainants car to see if the money belonged to her but when he approached her vehicle she drove away before he could say a word.

Arrest Warrant Section 11:

11. That in checking this departments case history with Lawrence, I learned that there were 10 case incidents logged from 2002 till present. In all of these complaints Lawrence was seen following the complainants around a store or coffee shop and then following them out to their cars where he would either stare at them or get right into their personal space. In most of these cases, Lawrence was told that his actions scared the complainants to the point of them calling the police. He has even stated himself that he needed to rethink his approach with woman. That I also learned from these reports that there were a lot of other incidents with Lawrence that

FACT: The Arrest Warrant never deploys the **stalking or harassing language. The arresting**

officer OBVIOUSLY carefully chooses his words – “*follow*” and “*get into personal space*” and does not describe me as **harassing or stalking**. If Officer Sullivan had seen intent for **stalking or harassing** he would have written these easily accessed and understood terms – **harass or stalk**. But no – he choose a phrase to keep himself within the arresting one count charge of a single act of Second Degree Breach of Peace to which I was not even convicted of. I ask – who uses this phrase – “*get into personal space*”? Answer – the police for an obvious reason – so to not end up getting sued for misrepresenting the arrest to which News 12 so grossly did with their special hit jobs before Due Process of Law (unlike respectable media devoid of Wendy Higgins Chambers) and after Due Process of Law (any reference to past known closed “cases”). How is “*get into personal space*” attempting to avoid detection? **See Exhibit X.**

Dictionary.com Definition of **Stealth: See Exhibits K-V**

English: Stealth - 1: secret, clandestine, or surreptitious procedure.

2: a furtive departure or entrance.

3: an act of stealing; theft.

the thing stolen; booty

4: adj. surreptitious; secret; not openly acknowledged

Surreptitious – Clandestine

Clandestine - kept secret or done secretly, especially because illicit

Furtive - attempting to avoid notice or attention, typically because of guilt or a belief that discovery would lead to trouble; secretive.

1: I WAS NOT approaching secretly. I was seen and intended to be seen - conspicuous.

2: I WAS NOT furtive for once again I attempt to explain myself before woman drove off.

3: I WAS NOT stealing anything but ironically according to Warrant looking to return money.

4: I WAS NOT clandestine or surreptitious. Leave this to the spy novels.

British English Dictionary Definition of **Stealth:**

British English: Stealth - 1 the act or characteristic of moving with extreme care and quietness, esp so as to avoid detection the stealth of a cat

2: cunning or underhand procedure or dealing

3: archaic the act of stealing

1: I WAS NOT trying to avoid detection. Why would I be avoiding detection at a supermarket?

FACT: I was seen in front of the woman’s car window.

2: I WAS NOT being cunning or underhanded.

Merriam Webster’s Dictionary Definition of **Stealth:**

British English: Stealth – adj 1 intended not to attract attention : STEALTHY

Stealthy - 1: slow, deliberate, and secret in action or character

2a: intended to escape observation : FURTIVE

Furtive - 1: done in a quiet and secretive way to avoid being noticed: SURREPTITIOUS

2: obtained underhandedly: STOLEN

Surreptitious - done, made, or acquired by stealth : CLANDESTINE

Clandestine - marked by, held in, or conducted with secrecy

Secrecy - the condition of being hidden or concealed

1: What is the secret? What is hidden and concealed when I walked up to someone.

How is “*follow and either stare* (conspicuous behavior) *or get right into personal space*” (even more conspicuous behavior) a form of **stealth**?

FACT: A **stealth virus** is a hidden computer virus that attacks operating system processes and averts typical anti-virus or anti-malware scans. **Stealth viruses** hide in files, partitions and boot sectors and are adept at deliberately avoiding detection. These **stealth viruses** are not called mere “secretive viruses” for a reason – they are called **stealth viruses** because they are hiding and on the attack, seeking **stealing-like** intent.

FACTS: The Arrest Warrant describes me as walking up to someone to ask a question. If I was being “**STEALTHY**” the Complainant would have made a call to police saying someone is passively aggressively watching or following without any attempted contact. LISTEN TO THE DISPATCH TAPES (See ECF 59) and read the false Arrest Warrant and I AM NOT BEING “**SECRETIVE**” AND CERTAINLY NOT STEALING ANYTHING AND AM NOT SURREPTITIOUS. Jesus – I VISIBLY went over to talk to someone and ask a question. I simply went up to talk to someone. NOTHING IN THE ARREST WARRANT SAYS I AM ACTING OR HAVE INTENT THAT INVOLVES VERITABLE **STEALTH – intended attacks**. This highly subjective argument is nonsense and total persecution and dangerous for others because it demeans real serious **stalking behaviors and crimes**. Breach of Peace and Disturbing the Peace itself has loud connotations. If there were indeed secretive behavior I would have been arrested for **Third Degree Stalking**.

English: Stalk - 3: to pursue obsessively and to the point of harassment

3: I WAS NOT obsessively to the point of harassment because again there were NO persistent encounters, for I never saw/knew of this person before nor after. There were no words/communication within the 3-minute timeframe of alleged incident. Complainant was disturbed/alarmed once and not persistently. (See Dispatch Tapes at ECF 59/Appeal Exhibit D)

FACT: MY CASE HAS NOTHING TO DO WITH BOTH THE DICTIONARY DEFINITION AND LEGAL DEFINITIONS OF **STALKING!**
SEE EXHIBITS K-V

Princeton's WordNet

Rate this definition: ☆☆☆☆☆ (0.00 / 0 votes)

stalk, stalking, still hunt *(noun)*

a hunt for game carried on by following it stealthily or waiting in ambush

stalk, stalking *(noun)*

the act of following prey stealthily

English: Game – animals under pursuit or taken in hunting

stalking *(Noun)*

Hunting for game by moving silently and stealthily or by waiting in ambush

stalking *(Noun)*

The crime of following or harassing another person, causing him or her to fear death or injury

English: Game – animals under pursuit or taken in hunting/attacking!!!!

Oxford Dictionary Definition of **Stalk: See Exhibit R**

The most popular English dictionary on the planet.

stalk (stɔ:k), *sb.*² Also 5-7 stalke, 7 stauk. [f. STALK *v.*]

1. An act of stalking game.

c 1450 in *Trans. Philol. Soc.* (1909) III. 53 A Stalke of ffostersse. 1470-85 MALORY *Arthur* XVIII. xxi. 764 They were shoters and coude wel kille a dere bothe at the stalke & at the trest. 1621 MARKHAM *Fowling* viii. 53 Also you must obserue in the Stalke to turne that side [of the stalking-horse] euer vpon the Fowle which is plaine without splents. 1873 G. C. DAVIES *Mount. & Mere* x. 83 A careful stalk might have brought a shooter within shot. 1885 W. H. RUSSELL in *Harper's Mag.* Apr. 770/1 There may be a deer drive or a stalk at Glenmuick. 1907 J. H. PATTERSON *Man-Eaters of Tsavo* xx. 225 My stalk was crowned with success, the beautiful animal being bagged without much trouble.

b. *attrib.*, as † *stalk-hound*.

1663 KILLIGREW *Pars. Wedd.* IV. i, A pox upon them for a couple of Stauk-hounds; have they killed at last?

English: Game – animals under pursuit or taken in hunting/killing!!!

American Heritage Dictionary Definition of **Stalk**: See Exhibit Q

stalk²  (stôk)

v. stalked, stalk·ing, stalks

v.tr.

1. To pursue or track (prey) stealthily: *The lions stalked the zebra from the tall grass.*
2. To follow or observe (a person) persistently, especially out of obsession or derangement.
3. To go through (an area) in pursuit of prey or quarry.

v.intr.

1. To walk with a stiff, haughty, or angry gait: *stalked off in a huff.*
2. To move threateningly or menacingly.
3. To track prey or quarry.

[Middle English *stalken*, from Old English *-stealcian*, *to move stealthily* (in *bestealcian*).]

stalk'er n.

"CITE"  American Heritage® Dictionary of the English Language, Fifth Edition. Copyright © 2016 by Houghton Mifflin Harcourt Publishing Company. Published by Houghton Mifflin Harcourt Publishing Company. All rights reserved.

Wiktionary.org Dictionary Definition of **Stalk**: See Exhibit I

Definition of "stalking" []

Present participle of stalk. (*verb*)

Hunting for game by moving silently and stealthily or by waiting in ambush (*noun*)

The crime of following or harassing another person, causing him or her to fear death or injury (*noun*)

The removal of stalks from bunches of grapes prior to winemaking (*noun*)

Wiktionary.org : Text is available under the Creative Commons Attribution-ShareAlike License

Collins Dictionary Definition of **Stalk**: See Exhibit O

stalk (stɔ:k)

vb

1. (Hunting) to follow or approach (game, prey, etc) stealthily and quietly
2. to pursue persistently and, sometimes, attack (a person with whom one is obsessed, often a celebrity)
3. to spread over (a place) in a menacing or grim manner: *fever stalked the camp.*
4. (*intr*) to walk in a haughty, stiff, or threatening way: *he stalked out in disgust.*
5. (Hunting) to search or draw (a piece of land) for prey

n

6. (Hunting) the act of stalking
7. a stiff or threatening stride

[Old English *bestealcian* to walk stealthily; related to Middle Low German *stolkeren*, Danish *stalke*]

'stalker n

"CITE"  Collins English Dictionary – Complete and Unabridged, 12th Edition 2014 © HarperCollins Publishers 1991, 1994, 1998, 2000, 2003, 2006, 2007, 2009, 2011, 2014

Fact: The thesaurus shows that **stalk is a synonym/associated word for hunt/hunting!!!.**

IMPORTANT QUESTION AT ISSUE:

Why is the dictionary definition of Stalk NOT “to pursue quarry or prey secretly” but rather “**to pursue quarry and prey stealthily**”?

English: Stalk –

1: to pursue quarry or prey stealthily??? (AS JUDGE UNDERHILL REFERS)

ANSWER: Because the word stealth implies a type of secrecy – a type of secrecy involved with **hunting** hence the Stealth Bomber. Stealth is a particular type of secrecy.

US DICTIONARY ▼

stalker

Dark Spots, Do This Tonight (It's Genius!)

>

NOUN

1 A person who harasses or persecutes someone with unwanted and obsessive attention.
'Tracy claimed she was the victim of a stalker'
'an anonymous stalker sent her hate mail'

+ More example sentences

2 A person who hunts game stealthily.
'a keen fisherman and deer stalker'
'a stalker of moose'

+ More example sentences

SEE EXHIBITS K-V

WHEN DESCRIBING THE ACTUAL ARREST THE OPERATIVE TERMS ARE

“ARRESTED FOR _____”

NOT

“HAVE FEELINGS ABOUT _____”

OPERATIVE TERM - ARRESTED!!! A LEGAL ACTION!!!!

With this overly conflated false interpretation of Second Degree Breach of Peace (let alone Incident devoid of an arrest) anyone could be accused of **stalking** by simply walking up to another person to which is all I did as evident in Arrest Warrant thereby dangerously belittling real legal **stalking** acts and convictions that demand serious attentions and stigmas. **Stalking laws** came about from serial killer cases – **hunters with bad intent!**

DIFFERENT WORDING IN VARIOUS CT. STATUTES

CONNECTICUT LAW CREATING A PUBLIC DISTURBANCE: INFRACTION – FINAL DISPOSITION OF ARREST (non-criminal - meaning not on a criminal record) FINE- \$90.

[Connecticut General Statutes](#) > [Chapter 952](#) > [§ 53a-181a](#)

Connecticut General Statutes 53a-181a – Creating a public disturbance: Infraction

Current as of: 2018 | [Check for updates](#) | [Other versions](#)

(a) A person is guilty of creating a public disturbance when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) annoys or interferes with another person by offensive conduct; or (3) makes unreasonable noise.



§§§§YELLOW Infractions are usually color coded in yellow §§§§

This is what was offered to me in May of 2018 but because of News 12 slander and libel I became forced to get a dismissal so to be able to possibly sue police and other media if all points their way. But the facts are the police never used the **stalking language and never went public with anything but the Official Police Press Release for one count of Second Degree Breach of Peace:**

“On 11/05/2017, officers were dispatched to a local grocery store on a report of a suspicious person. The victim reported she was followed around the store by an unknown male who then followed her out to her car and stood by the door of her vehicle. The male was later identified as James Lawrence, 52, of Westport, CT. An arrest warrant application was submitted for approval and granted by a judge. On 03/05/2018, Lawrence turned himself on the active arrest warrant. He was charged with 53a-181 Breach of Peace and released after posting \$5,000 court set bond. Lawrence is scheduled to appear in Norwalk Court on 3/14/18.” See Exhibit A

Thus had it not been for News 12 influence on other media I could have settled 2 years ago in May of 2018 2 months after the March 5, 2018 arrest for a non-criminal (meaning not on criminal record) Infraction and fine of \$90 and gone my way free of all the Damages I continue to experience to this day.

SEE EXHIBITS F, G – NON-CRIMINAL INFRACTION FINAL DISPOSITION AND STILL HAVING NO CRIMINAL HISTORY IN CONNECTICUT

FACT: THERE IS NO USE OF THE WORD HARASS OR STALK IN THIS STATUTE.
WHY? - BECAUSE THIS STATUTE IS EMPHASIZING A ONE-TIME FAR FAR FAR LESSER SERIOUS ACT THAT IS HARDLY “STEALTHY OR SECRETIVE”.

FACT: Attempt to prove there was at least more than one Infraction (plural - like women) let alone arrests of what News 12 reported “**Arrested for Stalking Several WOMEN**” and there is still no case for this type of slanderous special hit job news coverage ongoing obvious Damages.

Why would any news organization do a story on an infraction? The only basis would be there was a series of Infractions yet there are no other arrests or Infractions and **my clean Ct. criminal record continues for Infractions do not show up on a Criminal Record**. Why would a news organization do a hit job on someone’s life without the established facts. Why would a news organization take what was at the very worst A single Infraction of Disturbing the Peace which is non-criminal and NOT a misdemeanor crime to which I was arrested for, and inject a story about “**Arrested for Stalking SEVERAL Women**” without any kind of prior conviction let alone prior arrest let alone prior Infraction? WHY? - TO MAKE MONEY! I was nothing but opportunistic fodder to be conflated with the MeToo Movement – **sex harassmt** issues – when my case had absolutely nothing to do with **sex harassmt or harassmt** of any kind let alone **stalking**.

\$90! Was it worth destroying someone’s life over what was at worse worth \$90 and in all reality no crime what so ever – not criminal. You would think a special story with such impact would put me in prison but no. If I waited another year I think this Appeals Court would have had room to believe there actually was a misdemeanor crime or charges could have been amped up – but no. That never happended. **AND what is significant for this civil case against Altice – NEVER ANY ARREST LET ALONE CRIME BEFORE THIS MADNESS THEY FOMENTESD, AND MY CLEAN CT. RECORD STANDS FIRM TO THIS VERY DAY.**
SEE EXHIBITS F, G.
SEE ECF 36 – DAMAGES

NOW HOW ABOUT AN INCIDENT REPORT DEVOID OF AN ARREST?
ANY MENTIONED “CASE”/INCIDENT REPORT FULLY INVESTIGATED RESULTING IN NO ARREST CASE KNOWN TO BE CLOSED.
REPORT FULLY INVESTIGATED RESULTING IN NO ARREST
AKA

NO STATUTE – 000 – NO PROBABLE CAUSE, NO CRIME.

Reference to a past incident that was fully investigated resulting in no arrest and **known** to be cases closed with statutes of limitations in effect thus police finding no criminal intent and there was no probable cause to arrest for anything.

DEFINITELY NO USE OF THE WORD HARASS OR STALK.

*Judge Underhill: “It is an open question in the Second Circuit whether courts can take judicial notice of police incident reports, but it seems that many courts refrain from doing so. See, e.g., Alvarez v. County of Orange, N.Y., 95 F. Supp. 3d 385, 398 (S.D.N.Y. 2015); Bejaoui v. City of New York, 2015 WL 1529633, at *6 (E.D.N.Y. Mar. 21, 2015); Serrata v. Givens, 2019 WL 1597297, at *4 (E.D.N.Y. Apr. 15, 2019).”* **ECF 66 Page 2**

CONNECTICUT LAW 53a-223 CRIMINAL VIOLATION OF A PROTECTION ORDER : CLASS D OR CLASS C FELONY

Connecticut General Statutes 53a-223 – Criminal violation of a protective order: Class D or class C felony

Current as of: 2018 | [Check for updates](#) | [Other versions](#)

(a) A **person** is guilty of criminal violation of a protective order when an order issued pursuant to subsection (e) of section 46b-38c, subsection (f) of section 53a-28, or section 54-1k or 54-82r has been issued against such person, and such person violates such order.

(b) No person who is listed as a protected person in such protective order may be criminally liable for (1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the protective order pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate such protective order pursuant to section 53a-48.

(c) Criminal violation of a protective order is a class D **felony**, except that any violation of a protective order that involves (1) imposing any restraint upon the person or liberty of a person in violation of the protective order, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the protective order is a class C felony.

NOTICE THE USE OF THE WORD HARASS – Course of Conduct.

THE ARREST: One Count of Second Degree Breach of Peace

Connecticut General Statutes 53a-181 – Breach of the peace in the second degree: Class B misdemeanor

Current as of: 2018 | [Check for updates](#) | [Other versions](#)

(a) A person is guilty of breach of the peace in the second degree when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person: (1) Engages in fighting or in violent, tumultuous or threatening behavior in a public place; or (2) assaults or strikes another; or (3) threatens to commit any crime against another person or such other person's property; or (4) publicly exhibits, distributes, posts up or advertises any offensive, indecent or abusive matter concerning any person; or (5) in a public place, uses abusive or obscene language or makes an obscene gesture; or (6) creates a public and hazardous or physically offensive condition by any act which such person is not licensed or privileged to do. For purposes of this section, "public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NOTICE NO USE OF THE WORD HARASS OR STALK LIKE HOW THE ARREST WARRANT DOES NOT USE THE WORD HARASS OR STALK. **CONNECTICUT 53a-181: (6) "creates a physically offensive ..."**

Connecticut General Statutes 53a-181a – Creating a public disturbance: Infraction

Current as of: 2018 | [Check for updates](#) | [Other versions](#)

(a) A person is guilty of creating a public disturbance when, with intent to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) annoys or interferes with another person by offensive conduct; or (3) makes unreasonable noise.



§§YELLOW§§ Infractions as yellow – non-criminal in Ct. §§

NOTICE NO USE OF THE WORD HARASS OR STALK LIKE HOW THE ARREST WARRANT DOES NOT USE THE WORD HARASS OR STALK.

**NOW HOW ABOUT A PAST INCIDENT REPORT/"CASE" DEVOID OF AN ARREST?
INCIDENT REPORT FULLY INVESTIGATED RESULTING IN NO
ARREST AKA**

NO STATUTE – 000 – NO PROBABLE CAUSE, NO CRIME.

Arrest Warrant reference to a past incident in Westport Ct. markets and only Westport Ct. that were fully investigated resulting in no arrest and known to be cases closed with the statutes of limitations in effect thus police finding no criminal intent and there was no probable cause to arrest for anything hence as the Arrest Warrant clearly states – No Criminal History in Ct.

DEFINITELY NO USE OF THE WORD HARASS OR STALK.

Arrest Warrant Section 12

12. That on December 12, 2017 a Criminal History was performed for James Lawrence, dob 12/15/1965. It was learned that he does not have a Connecticut History but he did have an Arrest Record in the states of Florida and California. In Florida he had charges of Resisting Arrest and Fleeing/Eluding Police. In California he was charged with Petty Theft, Theft of Personal Property, Stalking, Inflicting Corporal Injury to Spouse and Battery of Spouse.

AND HOW ABOUT THE MENTIONING OF AN "ARREST RECORD" AND NOT SHOWING A CONVICTION RECORD.

Arrest Warrant reference to an arrest without a conviction – 1987 Florida Resisting Arrest and Fleeing/Eluding – NO CONVICTION, an arrest without a charge – 2013 California Inflicting Corporal Injury to Spouse – NO CONVICTION, or charges without conviction - California 1994 Petty Theft, Theft of Personal Property, 1995 Stalking – NO CONVICTION.

SEE EXHIBITS F, G FOR CONVICTION RECORD.

BLACK'S LAW DICTIONARY, BOUVIER LAW DICTIONARY, CAMBRIDGE, WEBSTERS, AMERICAN HERITAGE, OXFORD, MACMILLANS, LONGMANS, COLLINS, ETC... DICTIONARY DEFINITIONS OF **STALKING and **STEALTH** (see Exhibits K-V) aka "mind of the average viewer" and "popular acceptance".**

Here is more obvious and undeniable evidence of how **stalking** is not only defined as **repeated, persistent, continual behavior** towards someone, but a **stealth** term associated with hunting and killing (hence the more serious Stalking Laws being based on serial killer cases supplanting already Course of Conduct Harassment Laws) and a secretive stealth behavior aka not conspicuous that is associated with veritable preying, hunting, capturing, killing.

ECF 66 Page 18-19

Judge Underhill: "Importantly, in common usage, **"stalking" does not mean, necessarily, repeated behavior**. See *Stalk*, Random House Webster's Unabridged Dictionary (2d ed. 1998) ("[T]o pursue (game, a person, etc.) **stealthily**."); *Stalk*, The Merriam-Webster.com Dictionary, <https://www.merriam-webster.com/dictionary/stalk> (last visited Jan. 4, 2020) ("[T]o pursue obsessively and to the point of harassment."¹³

See Conn. Gen. Stat. § 53a-181e ("[W]illfully and **repeatedly** following or lying in wait . . . ") (third degree); Conn. Gen. Stat. § 53a-181d (requiring **"course of conduct," which includes "two or more acts"**) (second degree).

¹⁰ See Conn. Gen. Stat. § 53a-181 (criminalizing one-time fighting, assault, threats, threatening behavior, offensive actions, obscenity, general hazard).

¹¹ See *Breach of the Peace*, Random House Webster's Unabridged Dictionary (2d ed. 1998) ("[A] violation of the public peace, as by a riot, disturbance, etc."); *A Breach of the Peace*, The Merriam-Webster.com Dictionary, <https://www.merriam-webster.com/dictionary/breach%20of%20peace> (last visited Jan. 4, 2020) ("[L]oud or violent behavior in a public place.").

¹² However, breach of peace, by criminalizing threatening behavior, does encompass stalking behavior.

ECF 66 Page 19

Judge Underhill: ¹³ Even the generic legal definition of "stalking" does not require the "repeated" element of Connecticut's law. See *Stalking*, *Black's Law Dictionary* (11th ed. 2019) ("The act or an instance of following another by stealth.").

Completed Black's Law Dictionary Definition of **Stalking: See Exhibit M (bef. 12c) – means before 12th century.**

1: the act or instance of following another by **stealth**

2: the offense of following or loitering near another, often **surreptitiously, to annoy or harass that person or to commit a further crime such as assault or battery.**

Some statutory definitions include an element that the person being stalked must reasonably feel harassed, alarmed, or distressed about personal safety or the safety of one or more persons for whom that person is responsible. And some definitions include acts such as telephoning another

and remaining silent during the call. Cf. CYBERSTALKING - **stalker**

Once again:

1: I WAS NOT approaching stealthily for I was in a public market, and merely walked from an entrance of a store to our cars in an effort to say “hello” and ask a question. This is hardly “stealthily” for I attempted to say “hello”. Where is stealth described in the Arrest Warrant?

2: there was no surreptitious behavior, no harassment or committing a further crime for there was no criminal behavior in arresting incident and non-arresting incidents of the past. I was not silent. I visibly walked up to someone to ask a question and stood in front of a car window. I made an effort to say something thereby avoiding any alarming silence.

Unmentioned Blacks Law Dictionary Definition of **Stealth: See Exhibit K**

1: (14c) 1: Hist. Theft; an act or instance of stealing.

Etymologically, this term is the noun corresponding to the verb steal.

“Stealth is the wrongful taking of goods without pretence of title and therefore altereth not the property, as a trespass doth, so as upon an appeal the party shall re-have them”

2: Surreptitiousness; furtive, slyness

1: I was not stealing.

2: I was not secretive.

Merriam Webster’s Dictionary Definition of **Stealth: See Exhibit N**

British English: Stealth – adj 1 intended not to attract attention : STEALTHY

Stealthy - 1: slow, deliberate, and secret in action or character

2a: intended to escape observation : FURTIVE

Furtive - 1: done in a quiet and secretive way to avoid being noticed:

SURREPTITIOUS

2: obtained underhandedly: STOLEN

Surreptitious - done, made, or acquired by stealth : CLANDESTINE

Clandestine - marked by, held in, or conducted with secrecy

Secrecy - the condition of being hidden or concealed

Blacks Law Dictionary Definition of **Harassment: See Exhibit K**

(18 c) Words, conduct, or action (usu. repeated or persistent) that being directed at a specific person, annoys, alarms, or causes substantial emotional distress to that person and serves no legitimate purpose; purposeful vexation.

Harassment is actionable in some circumstances, as when a creditor uses threatening or abusive tactics to collect a debt. – **harass** *vb*.

Blacks Law Dictionary of **Surreptitious: See Exhibit K**

adj. (15 c) (Of conduct) unauthorized and clandestine, done by stealth and without legitimate authority< surreptitious interception of electronic communications is prohibited under wiring tapping laws>.

I was not clandestine or secretive. I was in front of someone’s car attempting to ask a question. I was conspicuous and not inconspicuous.

**THE SECOND MOST POPULAR LAW DICTIONARY –
THE WOLTERS KLUWER BOUVIER LAW DICTIONARY**

Bouvier Law Dictionary Definition of **Stalking: See Exhibit L**

Persistent observation of a person that poses a threat or harassment. Stalking is a crime committed by a person whose conduct—which may include communications, visits, attempts to visit, attempts to observe or be seen, or positioning near another whether seen or not—is not desired or encouraged by the person to whom it is directed, and whose conduct would cause a reasonable person to feel harassed, frightened, intimidated, or threatened. Definitions vary widely among jurisdictions, but a common denominator is that the crime is not one of intent to cause such a condition in the victim or knowledge that the conduct would do so.

Derivation: As used in this chapter, “stalk” means a knowing or an intentional course of conduct involving **repeated or continuing** harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. Ind. Code Ann §35-45-10-1 (West 2004) Etc...

See Exhibit L for full text.

Merriam Webster’s Legal Definition of Stalking: See Exhibit N

: the act or crime of **willfully and repeatedly** following or harassing another person in circumstances that would cause a reasonable person to fear injury or death especially because of express or implied threats broadly : a crime of engaging in a course of conduct directed at a person that serves no legitimate purpose and seriously alarms, annoys, or intimidates that person

NOTE: Stalking is often considered to be aggravated when the conduct involved also violates a restraining order protecting the victim.

American Heritage Dictionary Definition of Stalk, Prey, Stealth, Covert: See Exhibit Q

Stalk – 1: to pursue or track **prey** stealthily

2: to follow or observe (a person) **persistently**, especially out of obsession or derangement

3: to go through (an area) in pursuit of **prey or quarry**

Prey - n. 1: an animal **hunted** or caught by another for food

2: an object or victim of **attack**

v. 1: to **hunt** catch or eat as prey

Stalking horse – a horse trained to conceal the **hunter** while stalking

Stealth - 1: the act of moving, proceeding, or acting in a covert way

2: the quality of characteristic of being furtive or covert

1: not disclosing one true ideology, affiliations, or position

2: having or providing the ability to prevent detection by radar: **a stealth bomber**

Stealthy – acting in secrecy intended to avoid notice

Covert – 1: not openly practiced, avowed, engaged in, accumulated or shown

2: covered

Once again – I was at a local supermarket easily seen – conspicuous, who allegedly approached and “*got right into personal space*” and not inconspicuously spying on some kind of hunt.

In all dictionaries veritable **stealth** is and has been associated with secretive hunting, capturing,

and killing. **Stalking laws** became a reality from the need to address the growth of serial killer cases and thus the name “stalk” law is referring to the type of secretive behavior – **stealth** – **intent** to hunt. Hunting generally involves more than 10 minute time and thus some Course of Conduct.

The Law Dictionary Definition of Stalking: See Exhibit M

engaging in a pattern of conduct that will knowingly cause another to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.

Law.com Dictionary Definition of Harassment: See Exhibit M

harass

(either harris or huh-rass) v. systematic and/or continual unwanted and annoying pestering, which often includes threats and demands. This can include lewd or offensive remarks, sexual advances, threatening telephone calls from collection agencies, hassling by police officers or bringing criminal ch...

harassment

(either harris-meant or huh-rass-meant) n. the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. The purposes may vary, including racial prejudice, personal malice, an attempt to force someone to quit a job or grant sexual favors...

Key words – systematic and/or continual, the act of systematic and/or continued.

**Stalking (Stalk or Stalker) Persistent observation of a person
that poses a threat or harassment**

See also: Harassment



THE UNITED STATES
DEPARTMENT of JUSTICE

WHAT IS STALKING?

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

[Sample 1](#) [Sample 2](#) [Sample 3](#) Based on 60 documents

[Save](#) [Copy](#)



NIJ | *National Institute
of Justice*

STRENGTHEN SCIENCE. ADVANCE JUSTICE.

Like domestic violence, stalking is a crime of power and control. Stalking is conservatively defined as "a course of conduct directed at a specific person that involves repeated (two or more occasions) visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person fear." [\[1\]](#) Stalking behaviors also may include persistent patterns of leaving or sending the victim unwanted items or presents that may range from seemingly romantic to bizarre, following or laying in wait for the victim, damaging or threatening to damage the victim's property, defaming the victim's character, or harassing the victim via the Internet by posting personal information or spreading rumors about the victim.

ETC ...

DO NOT MISS ALL VERY TELLING EXHIBITS K-W, EXHIBIT X

SOME MORE OF MY ARGUMENTS THAT JUDGE UNDERHILL QUESTIONABLY DOES NOT ADDRESS IN HIS DECISION.

SEE ECF 20, 26, 29, 36, 48-49, 53, 59

≈ JUDGE UNDERHILL QUESTIONABLY AVOIDED THIS ARGUMENT.

Judge Underhill never addresses the particular language within the Arrest Warrant *“getting into personal space”* for the Second Degree Breach of Peace charge and never addresses the issue of this new term being deployed in a cultural way that has now made its way into a low-end single count of Second Degree Breach of Peace charge. The police used this description of *“getting into personal space”* within the Arrest Warrant that which News 12 Reporter was reading during his slander and libel to avoid using the extreme **stalk or harass** language. Is *“getting into personal space”* secretive or **stealthy**?

I ask – can you find this language being used by police in any actual **stalking** arrests? They would say 99% of the time the one arrested for **stalking** was **stalking**. Why? Because if this far less benign *“invasion of personal space”* language is deployed in an actual **stalking** arrest, the one arrested would be able to more easily contend the arrest by merely pointing out the alleged space being violated was debatable because the space is shared in a public space (and in my case shared without any previous contacts and warnings) whereas most **stalking** happens in truly personal space – a home, work, unexpected places, etc... where the person was warned.
See ECF 29 – Reporting on Joe Biden’s “violation of personal space”.

≈ JUDGE UNDERHILL QUESTIONABLY AVOIDED THIS ARGUMENT.

Evidence of Altice/News 12 Interpreting only a mere 1/3 of Arrest Warrant which hardly shows any *“dulling of the impact”*.
See ECF 26

≈ JUDGE UNDERHILL QUESTIONABLY AVOIDED THIS ARGUMENT.

A long list of typical everyday Second Degree Breach of Peace Arrests that shows the **“stalking”** language is NOT deployed in all the reports I spent days researching. Meaning easily 99%-99.99% of the time a Second Degree Breach of Peace NEVER has the words **“stalking”** part of the alleged criminal activity.
SEE ECF 20 Supplement #3

≈ JUDGE UNDERHILL QUESTIONABLY AVOIDED THIS ARGUMENT.

FederalCharges.com identifies 5 categories of stalking:

- 1: **Rejected stalkers**, who are almost always ex-partners
- 2: **Resentful stalkers**, who have a grievance with the other person
- 3: **Intimacy seekers**, who want to enter loving relationships and don't understand that the victim doesn't feel the same
- 4: **Incompetent suitors**, who are people who feel they are entitled to a relationship with someone who has turned them down in the past
- 5: **Predatory stalkers**, who usually stalk before committing a more serious offense such as rape

NONE of these 5 categories written about in FederalCharges.com apply to me, my history with Westport incident reports, let alone the Nov. 5, 2017 arrest for one count of Second Degree Breach of Peace.

See ECF 20

≈ JUDGE UNDERHILL ALSO QUESTIONABLY AVOIDED THIS ARGUMENT.

Let us consider the following common sense cultural reality (AKA “*mind of the average viewer*” and “*popular acceptance*”).

FACT: I know plenty of horror literature and horror films entitled “**Stalker**” .. yet never knew of a horror film entitled “**Breach of Peacer**” .. nor the infamous serial killer Richard Ramirez’s biography “**Night Stalker**” being called “**Night Breach of Peacer**” .. etc...

See ECF 20

Common sense shows the following reasoning by Judge is not in tune with art and society:

Judge Stefan Underhill: “the court must view it from the mind of the average reader, taken by its popular acceptance, not its technical meaning” **ECF 66 Page 14**

Judge Stefan Underhill: “the segment, a reasonable reader would not have been affected differently had the graphics not appeared, or, instead, read “BREACH OF PEACE ARREST.” **ECF 66 Page 19-20**

≈ JUDGE UNDERHILL ALSO QUESTIONABLY AVOIDED THIS ARGUMENT.

I also plan to put on the stand as many sociologists, psychologists and linguistic experts with as many scientific studies, polls, and surveys as possible to talk about the different kinds of stalking (see link to Psychology Today article) and the “*effects of the minds of the viewers*” from their professional learned experience.

See ECF 20

≈ JUDGE UNDERHILL ALSO QUESTIONABLY AVOIDED THIS ARGUMENT.

Psychology Today lists 7 types of “stalking” – NONE apply to my arrest.

<https://www.psychologytoday.com/us/blog/machiavellians-gulling-the-rubes/201605/the-7-types-stalkers-and-how-spot-them>.

See ECF 20

≈ JUDGE UNDERHILL ALSO QUESTIONABLY AVOIDED THIS ARGUMENT.

Once again consider this analogy when referring to former Vice President Joe Biden's recent ordeal:

The alleged behaviour of "Following" compared to the more extreme behaviour "Harassment" to the worst extreme behaviour "Stalking" can be viewed in an analogical way (in an attempt to discern and describe different levels of behaviour/crimes) much like the behaviour "Unwanted Touching" to the more extreme behaviour "Sex Harassment" to the worst extreme behaviour "Sex Assault" to the even worse behaviour of "Rape".

THUS – a one time "following" and "unwanted touching" (Joe Biden's alleged behavior) could be lower levels of different types of *"invasions of personal space"*.

See ECF 29 - Joe Biden's Ordeal.

SEE EXHIBIT X – AMERICAN PSYCHOLOGICAL ASSOCIATION, WEBSTERS DICTIONARY, COLLINS DICTIONARY, AND ARTICLES ON THIS AS NATIONAL GEOGRAPHIC DESCRIBES NEW TERM OF "INVADING PERSONAL SPACE".

MORE “SUBSTANTIAL” ARGUMENTS.

JUDGE UNDERHILL MAKES NO SENSE AND CONTRADICTS HIMSELF HERE AT ECF 66 Page 16.

Barnett v. Denver Publishing Co. argument ECF 66 Page 16

*“Courts in other jurisdictions have reached similar holdings. For instance, in Barnett v. Denver Publ’g Co., a Colorado appeals court held the newspaper defendant not liable for defamation when the defendant wrote that the plaintiff had been “convicted in a stalking incident” even though the plaintiff had been **convicted** only of harassment. 36 P.3d 145, 148 (Colo. App. 2001). The court noted that at the time of the plaintiff’s offense, the court had described the offense as “almost stalking”; that at the time of the offense, **both stalking and harassment were misdemeanors (now stalking was a felony)**; and that, despite the distinction between the two crimes, “both terms describe similar repeated, unsolicited behavior.”*

***** Due to Word Limit This Argument To Be Presented in Next Document - Reply Brief.**

EMAILS FROM Westport Police Officer Lieutenant Anthony Prezioso - THE LEAD WESTPORT FOIA OFFICER AT THE WESTPORT POLICE DEPARTMENT THAT SHOWS THEY HAD NO INTENTION TO DEPICT ME AS A “*STALKER OF SEVERAL WOMEN*”.

See Exhibit E

I basically asked the lead Westport Police FOIA Officer for the Police Blotter or Police Facebook posting of the March 5, 2018 arrest.

At this Exhibit is what he wrote to me: THE OFFICIAL PRESS RELEASE!

See Exhibits A, E

This description by police was what News 12 Mark Sudol would have been obligated to report on if he cared to at the time of the arrest 2 weeks earlier. Sudol jumped over this and that is how he went on to “*outright falsely*” report on me.

These Emails (see Exhibit E) clearly show the Westport Police never had any intention to describe me as a *stalker* as they never did nor substantially describe me as a *stalker*. Since they are saying “as a matter of practice they redact from release criminal information” and “only share criminal convictions” then logically anything else mentioned like an arrest that never resulted in charges, arrests/charges without convictions, let alone long gone fully investigated closed “cases” aka instances that resulted in no arrest are obviously not proper material to be played with before and after Due Process of Law and conflated in some unproven and unprovable way as a *history of “substantially true” stalking*.

WIKIPEDIA DESCRIPTIONS OF **STALKING**:

(Can you get any more of “*popular acception*” than an Encyclopaedia).

See Exhibit I

Stalking

Stalking is unwanted and/or repeated surveillance by an individual or group toward another person.¹ Stalking behaviors are interrelated to harassment and intimidation and may include following the victim in person or monitoring them. The term *stalking* is used with some differing definitions in psychiatry and psychology, as well as in some legal jurisdictions as a term for a criminal offense.

Etc...

See Exhibit I

**INTERNATIONAL MULTIPLE CULTURAL
AGREEMENT ON THE USE OF THE WORD**

“STALKER” AKA *“Popular Acceptation”*: **See Exhibit J**

SEE THE AMAZING EVIDENCE AT EXHIBIT J!!!! DO NOT MISS THIS!!!

99.99% GOOGLE SEARCH RESULTS FOR **STALKING
DEFINITION AKA “Popular Acceptation” HENCE THE GOOGLE
SEARCHES ARE A CLEAR AND UNDENIABLE PROOF THAT
THE LEGAL DEFINITION OF STALKING MUST BE THE
MOST SIGNIFICANT CONSIDERATION ESPECIALLY ON A
“Outright False” REPORT ABOUT AN ARREST: **See Exhibit H****

Yes, once again evidence abounds when searching for “**definition of stalking**”.
See Exhibit H

INQUIRY INTO IF AND HOW ALTICE/NEWS 12 “dulled the impact” AFTER REPORTING

***“Arrested for Stalking Several Women”*. ECF 66 Page 19**

**I ASK THE APPEALS COURT –
JUDGE STEFAN UNDERHILL SAYS ALTICE NEWS 12
“dulled the impact” ECF 66 Page 19**

*Judge Underhill: “The graphics in TV Report 4 and the headlines in Articles 1 and 2 are the statements that **appear the least “true.”** Still, none of those statements is defamatory. The graphics in TV Report 4 explain that the segment related to a “STALKING ARREST” and that these were “Stalking Charges.” **Those statements are not entirely true. But the rest of TV Report 4’s content significantly dulls the impact of that inaccuracy.**” ECF 66 Page 19*

HUH ? – WHERE? HOW?

***** Due to Word Limit This Argument To Be Presented in Next Document - Reply Brief.**

FACT: MOST VIEWERS OR “*average readers/viewers*” CANNOT DISTINGUISH BETWEEN A “CHARGE” AND A “CONVICTION”, AND IN REGARD TO “OTHER CASES” THE “*average reader/viewer*” CANNOT DISTINGUISH BETWEEN ONGOING CASES AND CLOSED CASES.

This is unfortunate but true.

More evidence of News 12 NOT “*dulling impact*”.

***** Due to Word Limit This Argument To Be Presented in Next Document - Reply Brief.**

**MORE DETAILED ANALYSIS OF UNDENIABLE EVIDENCE NEWS 12
DID NOT “*dull the impact*” or “*mitigate the problem*”
OF THEIR “*outright false*” REPORTING. See ECF 66 Page 20**

***** Due to Word Limit This Argument To Be Presented in Next
Document - Reply Brief.**

**EVIDENCE OF ALTICE/NEWS 12 INTERPRETING ONLY A MERE 1/3
OF THE ARREST WARRANT **SEE ECF 26****

**YES, this is obviously cherry picking a warrant and leaving out fair and balanced
information hardly “*dulling the impact*”.**

See ECF 26

***** Due to Word Limit This Argument To Be Presented in Next
Document - Reply Brief.**

NEWS 12 QUOTING/INTERVIEWING “*silhouetted woman*”
WHO SAID THAT I WAS “***PREYING ON WOMEN***” AS MORE DETAILED
ANALYSIS OF OBVIOUS EVIDENCE THAT NEWS 12
DID NOT “*dull the impact*”.

SINCE WE ARE TAKING LEGAL AND DICTIONARY DEFINITIONS OF
WORDS AS PRIMARY AND ULTIMATE SOURCES OF DECIDING “*substantially
true*” ISSUES

Merriam-Webster Dictionary

English Prey

noun

1: an animal taken by a predator as food

b: one that is helpless or unable to resist attack : VICTIM

2: the act or habit of preying

3archaic : SPOIL, BOOTY

intransitive verb

1a: to seize and devour prey

b: to commit violence or robbery or fraud

2: to have an injurious, destructive, or wasting effect

3: to make raids for the sake of booty

***** Due to Word Limit This Argument To Be Presented in Next
Document - Reply Brief.**

JUDGE UNDERHILL DURING THE MAY 9, 2019 MOTION TO DISMISS HEARING *“Stalking has a very pejorative connotation”* THEN HIS JANUARY 2020 SUMMARY JUDGMENT CONTRADICTIONS

SEE EXHIBIT Y, Z – Full Transcript of May 9, 2019 Motion to Dismiss Hearing and Relevant Quotes from Judge Underhill during the May 9, 2019 Hearing for Motion to Dismiss to which Judge Underhill DENIED Altice USA.

PAGE 23 OF EXHIBIT Z - May 9, 2019 Hearing on Motion to Dismiss.

JUDGE UNDERHILL: *“STALKING HAS A VERY PEJORATIVE CONNOTATION”*

16		The difficulty I'm having is stalking has a very	
17		pejorative connotation, and he wasn't charged with	
18		stalking. He was charged with breach of the peace, which	
19		sounds like he was yelling at a policeman.	

JUDGE UNDERHILL: *“STALKING HAS A VERY PEJORATIVE CONNOTATION”*

ENGLISH: PEJORATIVE – [late 19th century: from French *péjoratif*, -ive, from late Latin *pejorare* ‘make worse’, from Latin *pejor* ‘worse’,]
word or phrase that has negative connotations or that is intended
to disparage or belittle : a pejorative word or phrase

Hence **stalking** has a very worse connotation to my one time arrest of one count of Second Degree Breach of Peace.

Here below is one very obvious example of Judge Underhill contradicting himself 8 months later in January of 2020 **ECF 66** spin while having absolutely no additional evidence to change his naked opinion.

QUESTIONABLE QUOTES FROM JUDGE UNDERHILL:

Judge Underhill: “the segment, a reasonable reader would not have been affected differently had the graphics not appeared, or, instead, read “BREACH OF PEACE ARREST.” **ECF 66 Page 19-20**

Judge Underhill: “The headlines are not defamatory because the average person reading the Articles would not have been affected differently if the headlines read, for instance, “Police: Westport man charged with breach of peace for following woman. Thus, the headlines are substantially true.” **ECF 66 Page 20**

Judge Underhill: “in context, the actual truth would have no different effect on a reasonable reader” **ECF 66 Page 17**

WHAT???!!!

See Exhibit Y - Inconsistencies and Contractions of Reasoning.

Here is another contradiction from the previous Hearing.

PAGE 19 of EXHIBIT Z – MAY 9, 2019 Hearing on Motion to Dismiss.

4 THE COURT: That's the factual basis, and the
5 charge was breach of peace. So if you had said: A
6 Westport man allegedly followed a woman around the store,
7 etc., etc., police are charging him with breach of peace,
8 that would be a fair report.

HERE JUDGE UNDERHILL ONCE AGAIN CONTRADICTS HIS CONCLUDING WORDS IN SUMMARY JUDGMENT.

How can something be unfair yet “*substantially true*”?

“*Not fair*” but “*substantially true*”?

SEE EXHIBITS Y, Z

FACT: You cannot entirely or absolutely abandon the legal definition (let alone proper spelled out dictionary definitions) for when you have a necessary mixture of the legal with the dictionary and cultural and international uses of the term **stalking** there is no way in the world I can be reported on as “*stalking several women*”. NEVER! Even if you get that lost “*heavily fact dependent truth*” and “*resolution of all ambiguities*” when getting to long gone unproven and un-provable Incident Reports free of any kind of arrest (that are as a matter of practice redacted when released to the public) NO ONE (NOT EVEN POLICE AS THEY NEVER DID) CAN DEPLOY THE WORDS “*Stalking Several Women*”. THIS IS CLEARLY DEFAMATION.

FACT: I **stalked** no one. All Incident Reports mentioned in the Arrest Warrant (not relative to the Arresting Incident) that were thoroughly investigated resulting in no arrests cases known to be closed were **one time contacts** in broad daylight in Westport and only Westport Ct. at public markets that are wired inside and out with cameras and so once again - WHERE IS THE EVIDENCE??? Where is one arrest and criminal conviction? Where is one video of me **stalking** or **harassing** someone at a market?! Where are there any names or one Complainant/Witness pressing charges? Veritable **stalking** happens at unexpected places like a person’s work or home and not at a shared supermarket via a one-time crossing of paths that involved no veritable **stealth**! This is also the age of the I-Phone and readily recorded pictures. Where is any evidence? There is none because I NEVER **stalked** or “*substantially*” **stalked** anyone. News 12’s ambush at my home and resulting persecution (see definition of **persecution**) and continual effect on my life day after day month after month year after year is more an example of **harassment and stalking and persecution** than any incident from my past. This obvious hit job with very life damaging and ongoing “*impact*” demands to be before a jury of my peers to access who was veritably **stalked and preyed upon**. See Exhibit J

Δ - CONCLUSIONS - IT IS TIME TO PROCEED TO THE DAMAGES.

This disgusting hit job with overwhelming ongoing *“impact”* demands a jury. It was not as if News 12 was understandably confused and got things *“outright false”* at the time of the arrest. No this was a out of the ordinary special report done weeks after the simple arrest for **one count of Second Degree Breach of Peace** to where they had resources and other reports to get the facts. There was obviously no desire nor is there any evidence whatsoever of *“dulling the impact”* of their reports. Clear evidence shows the contrary – utter hype – piling on/doxxing unproven and un-provable accusations to push an agenda-driven special story that is rarely done on someone after a simple arrest. This was premeditated for News 12 had weeks before the report to get things right. To this day I have no criminal record in Connecticut and that includes the charge to which I was reported upon. My sole conviction is from 1996 in California for Domestic Violence. Who deserves this forever life damaging hit job sitting out there in the now forever age of the Internet search engines devoid of facts and devoid of an actual **stalking** charge related to police narrative let alone conviction. The police never deployed the **stalking or harassing** language in the Official Police Press Release and Arrest Warrant to which News 12 reporter dubiously ascertained. The police carefully used special wording like *“follow”* and *“stare or get right into personal space”* to describe a **one act of Second Degree Breach of Peace** and/or any past alleged incident/long gone closed “case” that never resulted in any arrest, for even police are aware of the overwhelmingly obvious *“mind of the average viewer”* and *“popular acceptance”* of the term **stalk** let alone **stalk and prey** let alone *“arrested for stalking several women”* – *“outright false”*, and easily proven to have created ongoing slanderous and libellous *“impact”* aka Damages.

I also want to emphasize something I have said before – this is a very important case for the current zeitgeist that demands no judicial activism when interpreting common sense laws, dictionary definitions, and cultural definitions. Allowing for such gross conflations of laws and language will only diminish the importance/stigmas of **actual harassment or stalking behaviors** – people who are **proven harassers and stalkers**. A bend toward any special interest group to provide even more ways men can be persecuted free of proper initial evidence will lead to **more people being accused of harassing and stalking** and real **PROVEN harassers and stalkers** will blend into the increased fray and not receive the weighty stigmas they should be burdened with when they leave prison because the **stalking or harassment parameters** have been grossly lowered and widened in dangerous general ways not in tune with the **original intentions of harassment and stalking laws**. What will inevitably result is more journalists deploying this conflation of laws and language in unrelated arrests, which will even result in police recklessly deploying this conflation of laws and language in their police reports that will inevitably lead to more lawsuits and more permanently damaged accused (mostly men) free of any evidence or conviction let alone arrest. Yes – avoiding the legal definitions of the issues at hand will result in an increase in people (mostly women) weaponizing these loose law and language definitions against people for personal and political reasons. If a culture has for example a growing problem with drug use, do you flood the culture with more versions of the drug being abused? No you reduce the availability of the drug and attempt to establish more rules and clearly define and inform the public of the issues at hand so to *“mitigate the problem”* and reduce future damaging *“impacts”*.

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February 2017

James Lawrence
April 4, 2020